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CONSTITUTION OF 1879 AS AMENDED

GENERAL LAWS, AMENDMENTS TO CODES,
AND RESOLUTIONS

PASSED AT

THE 1967 REGULAR SESSION OF THE LEGISLATURE

AND

THE 1967 FIRST EXTRAORDINARY SESSION
OF THE LEGISLATURE

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CHAPTER 510

An act to add Chapter 2.2 (commencing with Section 2750) to Part 5, Chapter 3 (commencing with Section 3475) to Part 6, and Article 3 (commencing with Section 4250) to Chapter 3 of Part 7 of Division 1 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Chapter 2.2 (commencing with Section 2750) is added to Part 5 of Division 1 of the Revenue and Taxation Code, to read:

CHAPTER 2.2. COLLECTION IN FOUR EQUAL INSTALLMENTS

2750. It is hereby declared to be the purpose of this chapter to provide an alternate procedure for the collection of property taxes on the secured roll in four equal installments.

2751. The provisions of this chapter shall be operative only in counties having a population of 4,000,000 or more.

2752. Notwithstanding the provisions of Sections 1755, 1757, 2605, 2606, 2617, 2618, 2619, 2621, 2622, 2623, 2624, 2625 and 2626 of this code, if so ordered by a resolution of the board of supervisors of any county, the provisions of this chapter shall be applicable to such county, provided that such resolution must be adopted prior to the time the county auditor is required to compute and enter on the secured roll the respective amounts due in installments as taxes for the assessment year in which such resolution shall become effective. The provisions of this chapter shall then continue in effect in such a county until otherwise ordered by a resolution of the board of supervisors.

2753. Annually on or before July 15, the auditor shall prepare duplicate valuation statements verified by his attached affidavit from the local roll.

2754. (a) On or before September 1, the auditor shall deliver the secured roll to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that I received the assessment roll from the assessor with his affixed affidavit; that I have corrected it as required by the State Board of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes, as required by law."

If the roll is a machine-prepared roll, the auditor shall deliver the assessment roll to the assessor and shall deliver the roll on which he has extended taxes to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that the attached roll is a reproduction of the roll prepared by the assessor and corrected by the County and State Boards of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes as required by law."

(b) If the roll is a machine-prepared roll, and the tax bills are, with the consent of the tax collector and the approval of the board of supervisors, also machine-prepared by the auditor, the auditor shall, on or before the fourth Monday of September deliver the assessment roll to the clerk of the local board of equalization and shall, on or before August 20 deliver the roll on which he has extended taxes to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that the attached roll is a reproduction of the roll prepared by the assessor and corrected by the State Board of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes as required by law."

2755. Notwithstanding the provisions of any other law, any tax, assessment, fee or charge to become a lien on land and to be collected with county taxes or other taxes or assessments collected on the secured roll shall be payable in four equal installments as specified in this chapter.

2756. All taxes on real and personal property on the secured roll are due and payable September 10.

2757. Notwithstanding the provisions of any other law of this state, the county auditor shall reject any cents not evenly divisible by four in the computation of taxes on any assessment and in the extension of taxes, special assessments or charges on the county assessment roll for any other public agency.

2758. The entire tax on the secured roll may be paid when the first installment is due. The second installment may be paid separately only if the first installment has been paid. The third installment may be paid separately only if the first and second installments have been paid. The fourth installment may be paid separately only if the first, second and third installments have been paid. Unless accompanied by the payment of the fourth installment, payment of the first, second or third installments shall not be accepted after the fourth installment has become delinquent. If the first installment has been paid, the second, third and fourth installments may be paid when the second installment is due. If the first and second installments have been paid, the third and fourth installments may be paid when the third installment is due.

2759. The first installment of one-fourth of the taxes on real and personal property on the secured roll, if not paid, is delinquent October 10 at 5 p.m., and thereafter a delinquent penalty of 6 percent attaches to it.

2760. The second installment of one-fourth of the taxes on real and personal property on the secured roll, if not paid, is delinquent January 10 at 5 p.m., and thereafter a delinquent penalty of 6 percent attaches to it.

2761. The third installment of one-fourth of the taxes on real and personal property on the secured roll, if not paid, is delinquent March 10 at 5 p.m., and thereafter a delinquent penalty of 6 percent attaches to it.

2762. The fourth installment of one-fourth of the taxes on real and personal property on the secured roll, if not paid, is delinquent May 10 at 5 p.m., and thereafter a delinquent penalty of 6 percent attaches to it.

2763. If October 10, January 10, March 10 or May 10 falls on a Saturday, Sunday or legal holiday, the time of delinquency is 5 p.m. on the next business day.

2764. After the fourth installment of taxes on the secured roll is delinquent, the tax collector shall collect a cost of three dollars ($3) for preparing the delinquent list on each separate valuation of the secured roll of:

(a) Real property, except possessory interests.

(b) Possessory interests.

The costs shall be collected even though the property appears on the roll due to a special assessment and no valuation appears on the roll.

2765. On or before the 10th of the month following each delinquency date of the four installments of the taxes due on the secured roll, the tax collector shall make the secured roll available to the auditor for the purpose of extending the delinquent penalties and applicable costs.

2766. Within 10 days after each settlement, the auditor shall:

(a) Compute and enter the delinquent penalties and costs against all taxes on the secured roll not marked paid.

(b) Foot the penalties and costs when applicable.

(c) Charge the tax collector with the total penalties and costs due on the secured roll.

(d) Deliver the secured roll to the tax collector.

2767. On or before June 15 the tax collector shall, by first class mail, mail a notice of unpaid current secured taxes due to each current owner or the assessee at his address as shown on the roll. This section gives no one the right to receive the copy of items delinquent and neither the county nor any officer or employee is liable for failure of the assessee or current owner to receive the copy or for any mistake in connection with the mailing.

SEC. 2. Chapter 3 (commencing with Section 3475) is added to Part 6 of Division 1 of the Revenue and Taxation Code, to read:

CHAPTER 3. TAX SALES—ALTERNATIVE PROCEDURE

3475. It is hereby declared to be the purpose of this chapter to provide an alternate procedure for tax sales to be used

in connection with collection of property taxes on the secured roll in four equal installments.

3476. The provisions of Sections 3351, 3352, 3353, 3354 and 3436 of this code shall not be operative in any county to which this chapter applies. This chapter applies only in a county which has adopted the resolution specified in Section 2752, making applicable the provisions of Chapter 2.2 (commencing with Section 2750) of Part 5 of this division in that county. The provisions of this chapter shall then continue in effect in such county while the provisions of Chapter 2.2 (commencing with Section 2750) of Part 5 of this division continue in effect in that county.

3477. Except as provided in this chapter, the publication required by this chapter shall be in the same manner as provided in Article 1 (commencing with Section 3351) or alternatively in Article 2 (commencing with Section 3391) of Chapter 1 of this part.

3478. Annually, on or before August 31, the tax collector shall publish an affidavit containing the following information relating to each assessment of property on which the taxes remain unpaid and which were sold to the state on the preceding June 30:

(1) The name of the assessee.

(2) The parcel number or the description of the property as it appears on the secured roll.

(3) The total amount due which is a lien on each separately assessed parcel of property as shown on the secured roll.

This information required to be published is the "published delinquent list."

3479. With the published delinquent list the tax collector shall publish a notice, specifying:

(1) That the real property on which the total amount is a lien has been sold.

(2) The time and place at which the property had been sold to the state by operation of law.

3480. If there is on the secured roll any tax-sold property which was sold to the state in the fifth preceding calendar year, or any year before that, a list shall be published on or before June 8 showing the description of the property and a notice shall follow such descriptions substantially as follows:

"To be deeded to the state _____, 19___."

3481. On or before June 30 and not less than 14 nor more than 28 days after the mailing of delinquent notices, the real property on which the taxes, assessments, penalties, and costs have not been fully paid, except tax-sold property and possessory interests, shall by operation of law and the declaration of the tax collector be sold to the state. The sale shall be in the tax collector's office.

SEC. 3. Article 3 (commencing with Section 4250) is added to Chapter 3 of Part 7 of Division 1 of the Revenue and Taxation Code, to read:

Article 3. Alternative Permanent Installment Plan

4250. It is hereby declared to be the purpose of this article to provide an alternate procedure for the payment of delinquent taxes in installments to be used in connection with the collection of property taxes on the secured roll in four equal installments.

4251. The provisions of Sections 4219, 4221, 4224, 4336 and 4337 of this code shall not be operative in any county to which this chapter applies. This chapter only applies to a county which has adopted the resolution specified in Section 2752, making applicable the provisions of Chapter 2.2 (commencing with Section 2750) of Part 5 of this division in that county. The provisions of this chapter shall then continue in effect in such a county while the provisions of said Chapter 2.2 continue in effect in that county.

4252. As used in this article:

(a) "Redemption amount" means the total amount which would be necessary to redeem property from sale for taxes at the time election is made to pay delinquent taxes in installments under this article.

(b) "Balance of the redemption amount" is the amount equal to the difference between the redemption amount and the total of the portions previously paid which portions were paid as a part of the redemption amount.

4253. Any person may elect to pay delinquent taxes in installments under this article at any time prior to the deed to the state, except that if payment of delinquent taxes in installments is started under this article and the amount required to be paid in any fiscal year is not paid as required by this article, payments may not again be started under this article until July 1st of the second succeeding fiscal year after that in which such default occurs.

4254. During the time payments are made under this article, there shall not be:

(a) A deed to the state for taxes.

(b) Any termination of the right of redemption.

4255. Election to pay delinquent taxes in installments is made by payment, in the same manner as a redemption, of 20 percent, or more of the redemption amount. All current taxes, with penalties thereon, due or coming due in the fiscal year in which this first payment is made shall be paid on or before May 10th, except that if the election to pay delinquent taxes in installments is made after May 10th in any fiscal year, the current taxes, with penalties and costs thereon, shall be paid with or prior to the installment payment.

4256. In each succeeding fiscal year the redemptioner shall pay:

(a) All current taxes and penalties coming due in that fiscal year.

(b) Twenty percent, or more, of the redemption amount, plus interest on the balance of the redemption amount of ½

percent accruing on the first day of each month following the preceding payment of a part of the redemption amount. Payments under this subdivision shall be computed and paid in the same manner as a redemption, and the receipts for such payments shall show that the payments are for the use of the real estate under this plan for payment of delinquent taxes in installments.

4257. The payments required in each fiscal year after the first payment shall be made not later than May 10th, of the fiscal year succeeding the fiscal year when the last payment was made.

4258. If all payments are not made on or before the dates prescribed, the property may be deeded to the state or the right of redemption may be terminated in the same manner as if no election to pay delinquent taxes in installments had been made.

4259. Payments under this article are not a redemption or partial redemption and do not affect the state's interest in the real estate. The payments are compensation for the use of the real estate.

4260. If all payments under this article are made as prescribed and if redemption of the property is made on or before May 10th in the fourth fiscal year succeeding the fiscal year when the first payment was made, the amount necessary to redeem the property, unless, under some method of redemption, a redemption may be made for a lesser amount, is the balance of the redemption amount, with interest on such balance of ½ percent accruing on the first day of each month following the last preceding payment to the date of redemption. When redemption is made under this section, no credit shall be allowed for amounts previously paid or credited.

4261. The redemption certificate for a redemption under this article shall show:

(a) The amounts used to arrive at the redemption amount at the time of an election to pay delinquent taxes in installments;

(b) The portions of the redemption amount and interest previously paid, including all credits allowed;

(c) The portion of the redemption amount and interest required to make the redemption.

4262. When property is redeemed on which delinquent taxes have been paid in installments, there shall be credited on the amount necessary to redeem the total amount of back taxes previously paid, without an allowance for interest on it. The credit shall be allowed after computation of the amount necessary to redeem. If the last payment made of delinquent taxes in installments was under a provision of law which required that payments be made on or before April 10th or on or before April 20th or on or before May 10th in each fiscal year or which expressly allows quarter-annual payment of installments, no credit shall be allowed under this section after five years succeeding April 10th or April 20th or May

10th of the first fiscal year when no payment was made as required.

4263. When payment of delinquent taxes in installments on any property was started under any provision of law and payment of delinquent taxes in installments on the property is later started under another provision of law providing for such payment, or under the same provision of law after default in payment, there shall be credited on the amount payable the total amount of back taxes paid under the same or previous provision, without an allowance for interest on it. This credit is in addition to and not a substitute for the payment of any part of any installment payable and shall be allowed after the first installment is paid. If the last payment made of delinquent taxes in installments was under a provision of law which required that payments be made on or before April 10th or on or before April 20th or on or before May 10th in each fiscal year or which expressly allows quarter-annual payment of installments, no credit shall be allowed under this section after five years succeeding April 10th or April 20th or May 10th of the first fiscal year when no payment was made as required.

CHAPTER 511

An act to add Section 25541.7 to the Education Code, relating to junior colleges, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 25541.7 is added to the Education Code, to read:

25541.7. The increases in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the fourth consecutive fiscal year following the date of the first election at which the first district bond issue for junior college purposes is passed, in junior college districts in which such fourth consecutive fiscal year expires on July 1, 1968.

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 such necessity are: In order that junior college districts, in great need of the additional year in which the tax pursuant to Section 25541.5 may be levied to produce amounts required for interdistrict attendance agreements and lease agreements for school plant and equipment needs, may levy such tax during the 1967–68 fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 512

An act to amend Sections 430 and 444 of the Code of Civil Procedure, relating to grounds for demurrer.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 430 of the Code of Civil Procedure is amended to read:

430. The defendant may demur to the complaint within the time required in the summons to answer, when it appears upon the face thereof, either:

1. That the court has no jurisdiction of the person of the defendant, or the subject of the action;

2. That the plaintiff has not legal capacity to sue;

3. That there is another action pending between the same parties for the same cause;

4. That there is a defect or misjoinder of parties plaintiff or defendant;

5. That several causes of action have been improperly united, or not separately stated;

6. That the complaint does not state facts sufficient to constitute a cause of action;

7. That the complaint is uncertain; "uncertain," as used herein, includes ambiguous and unintelligible;

8. That, in actions founded upon a contract, it cannot be ascertained from the complaint, whether or not the contract is written or oral.

SEC. 2. Section 444 of the Code of Civil Procedure is amended to read:

444. The demurrer may be taken upon one or more of the following grounds:

1. That several causes of counterclaim have been improperly joined, or not separately stated;

2. That the answer does not state facts sufficient to constitute a defense or counterclaim;

3. That the answer is uncertain; "uncertain", as used herein, includes ambiguous and unintelligible; or

4. That, where the answer pleads a contract, it cannot be ascertained from the answer, whether or not the contract is written or oral.

CHAPTER 513

An act to amend Section 22700 of the Education Code, relating to higher education.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 22700 of the Education Code is amended to read:

22700. There is hereby created an advisory body, the Coordinating Council for Higher Education, to be composed of three representatives each of the University of California, the California State Colleges, the public junior colleges, the private colleges and universities in the state, and six representatives of the general public. The University shall be represented by the president and two regents appointed by the regents. The California State Colleges shall be represented by the chancellor and two trustees appointed by the trustees. Public junior colleges shall be represented by a member of the State Board of Education or its chief executive officer as the board may from time to time determine, and a member of a local public junior college governing board and a public junior college administrator. The junior college governing board member shall be selected by the State Board of Education from a list or lists of five names submitted for its consideration by any association or associations of statewide coverage which represent junior college governing boards. The public junior college administrator shall be selected by the State Board of Education from a list of five names submitted for its consideration by the California Junior College Association The private colleges and universities shall be represented by three persons, each of whom shall be affiliated with a private institution of higher education as a governing board member or as a staff member, in an academic or administrative capacity and shall be appointed by the Governor after consultation with an association or associations of such private institutions and subject to confirmation by the Senate. The general public shall be represented by six members appointed by the Governor subject to confirmation by the Senate. The terms of the appointments made pursuant to this section shall be as follows:

(a) The representatives appointed by the regents shall serve one-year terms.

(b) The representatives appointed by the trustees shall serve one-year terms

(c) The member of the State Board of Education or its chief executive officer who represents the public junior colleges shall serve until the first meeting of the board in the next succeeding calendar year following his appointment.

(d) Except as otherwise provided in this subdivision, the term of office of all of the other members of the council

appointed pursuant to this section is four years, and they shall hold office until the appointment of their successors.

The terms of such members in office on November 1, 1965, shall expire as follows:

(1) The term of the member who, as a member of a local public junior college governing board, is representing the public junior colleges, the term of one of the members representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1965.

(2) The term of one of the members representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1966.

(3) The term of the member who, as a public junior college administrator, is representing the public junior colleges and the term of one of the members representing the public shall expire on November 1, 1967.

(4) The term of the other member representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1968.

(5) The terms of the other two members representing the public shall expire on November 1, 1969.

On or before November 1, 1965, the Governor shall designate the order in which the terms of his appointees expire pursuant to this subdivision.

(e) Any person appointed pursuant to this section may be reappointed to serve additional terms.

No appointing authority specified in this section shall appoint any person to alternate membership on the council with the following exceptions who shall be appointed by the appropriate appointing authority: two alternates for the president and the two representatives of the regents; two alternates for the chancellor and the two representatives of the trustees, and one alternate for the one representative of the State Board of Education. Each alternate shall be a member of the appropriate appointing authority and shall be appointed for an annual term.

No person appointed pursuant to this section shall, with respect to any matter before the council, vote for or on behalf of, or in any way exercise the vote of, any other member of the council.

CHAPTER 514

An act to amend Section 15963 of the Education Code, relating to school district contracts.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 15963 of the Education Code is amended to read:

15963. If any change or alteration of a contract governed by the provisions of this article (commencing with Section 15951) is ordered by the governing board of the district, such change or alteration shall be specified in writing and the cost agreed upon between the governing board and the contractor. The board may authorize the contractor to proceed with performance of the change or alteration without the formality of securing bids, if the cost so agreed upon does not exceed the greater of:

(a) The amount specified in Section 15951, 15953, or 15957, whichever is applicable to the original contract; or

(b) Ten percent (10%) of the original contract price.

The governing board of any school district, or of two or more school districts governed by governing boards of identical personnel, having an average daily attendance of 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding year, may also authorize any change or alteration of a contract for reconstruction or rehabilitation work other than for the construction of new buildings or other new structures, where the cost of the change or alteration is in excess of the limitations in subdivisions (a) and (b) but does not exceed 25 percent of the original contract price, without the formality of securing bids, when such change or alteration is a necessary and integral part of the work under the contract and the taking of bids would delay the completion of the contract. Changes exceeding 15 percent of the original contract price shall be approved by an affirmative vote of not less than 75 percent of the members of the governing board.

CHAPTER 515

An act to amend Section 25508.5 of the Education Code, relating to junior colleges, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 25508.5 of the Education Code is amended to read:

25508.5. The governing board of any district, maintaining a junior college, may establish courses outside the district primarily for students who are nonresidents of the district, providing the following conditions are fulfilled:

(a) The governing board of a high school district, not a part of a district maintaining a junior college, with the approval of the county board of education of the county having jurisdiction over the high school district, requests that junior college classes be offered in the high school district.

(b) The district, maintaining the junior college, requests and receives annually the prior written approval of the State Board of Education before establishing or continuing such classes outside its district.

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 such necessity are:

In order that the junior college and high school districts affected by the provisions of this act may, as early in the 1967–1968 fiscal year as possible, undertake the necessary administrative steps required to establish or continue the maintenance of the special courses and classes authorized, it is necessary that this act take effect immediately.

CHAPTER 516

An act to amend Section 1607 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 1607 of the Revenue and Taxation Code is amended to read:

1607. A reduction in an assessment on the local roll shall not be made unless the party affected or his agent makes and files with the county board a verified, written application showing the facts claimed to require the reduction and the applicant's opinion of the full cash value of the property. Except as provided in Section 1760, the application shall be filed between July 2 and August 26.

CHAPTER 517

An act to amend Section 69895 of the Government Code, relating to superior courts.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 69895 of the Government Code is amended to read:

69895. In any county or city and county with a population of less than 850,000 but more than 730,000, as ascertained pursuant to Section 28020, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, the salary of the secretary shall be one thousand nine hundred ninety dollars ($1,990) a month.

In such a county or city and county, on the authorization of the judges, the secretary shall have one senior assistant secretary whose salary shall be one thousand one hundred fifteen dollars ($1,115) a month, and three assistant secretaries whose salaries shall be nine hundred seventy dollars ($970) a month. The senior assistant secretary and the assistant secretaries shall assist also in the performance of the duties of jury commissioner. The salaries of such secretaries and such assistants shall be paid by the county or city and county in which they serve.

CHAPTER 518

An act to amend Section 1356 of the Education Code, relating to school district elections.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 1356 of the Education Code is amended to read:

1356. Any inspector and judge of election serving at any school district election may be paid out of the funds of the district as compensation for his services as an election officer such sum as the governing board may determine, not to exceed the amount paid from the county treasury to officers of the last preceding general election. In districts in which the polls are kept open less than 12 hours, the maximum compensation for election officers shall be the sum bearing the same relation to the amount paid to election officers of the last preceding general election as the number of hours the polls were open at the election bears to the number of hours the polls were open in the preceding general election.

CHAPTER 519

An act to amend Sections 74502, 74503, and 74504 of the Government Code, relating to municipal courts.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 74502 of the Government Code is amended to read:

74502. There shall be one clerk who shall also serve as secretary to the judges and who shall be paid a salary of one thousand seven hundred eighty-seven dollars ($1,787) a month. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one clerk who shall also serve as secretary to the judges, and who shall hold office at their pleasure and who shall receive the salary hereinabove provided.

SEC. 2. Section 74503 of the Government Code is amended to read:

74503. (a) There shall be one jury commissioner who shall exercise the powers of jury commissioners of superior courts insofar as they are applicable to the municipal courts and who shall perform such other duties as assigned by the judges of the court and who shall be paid a salary of one thousand three hundred sixty dollars ($1,360) monthly. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one jury commissioner, and who shall hold office at their pleasure, and who shall perform such other duties as assigned by the judges of the court, and who shall receive the salary hereinabove provided.

(b) The clerk shall appoint four deputy clerks who shall be the chief division clerks in the civil, criminal, traffic and accounting departments of the court, and who shall be paid a minimum salary of one thousand one hundred forty-nine dollars ($1,149) monthly during the first year of service, a salary of one thousand two hundred four dollars ($1,204) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand two hundred sixty dollars ($1,260) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

SEC. 3. Section 74504 of the Government Code is amended to read:

74504. The clerk shall also appoint:

(a) Five deputy clerks who shall be assistant chief division clerks and who shall be paid a minimum salary of nine hun-

dred ninety-five dollars ($995) monthly during the first year of service, a salary of one thousand forty-four dollars ($1,044) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand ninety-nine dollars ($1,099) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(b) Twenty-five deputy clerks who shall be paid a minimum salary of eight hundred thirty-six dollars ($836) monthly during the first year of service, a salary of eight hundred ninety-one dollars ($891) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of nine hundred sixty-five dollars ($965) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(c) Fifteen deputy clerks who shall be paid a minimum salary of seven hundred twenty dollars ($720) monthly during the first year of service, a salary of seven hundred forty-seven dollars ($747) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment and a maximum salary of seven hundred seventy-five dollars ($775) monthly, after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(d) Eighteen deputy clerks who shall be paid a minimum salary of six hundred fifty-three dollars ($653) monthly during the first year of service, a salary of six hundred seventy-one dollars ($671) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of six hundred ninety-one dollars ($691) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. While assigned as administrative secretary to the clerk of the municipal court any deputy in Section 74504(d) shall be paid in addition to the salary provided by this article, the additional sum of eighty-five dollars ($85) monthly.

(e) Fourteen deputy clerks who shall be paid a minimum salary of six hundred three dollars ($603) monthly during the first year of service, a salary of six hundred twenty-one dollars ($621) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of six hundred thirty-eight dollars ($638) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(f) Twenty-one deputy clerks who shall be paid a minimum salary of five hundred fifty-three dollars ($553) monthly during the first year of service, a salary of five hundred

seventy-two dollars ($572) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred ninety-three dollars ($593) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(g) Thirty-three deputy clerks who shall be paid a minimum salary of four hundred thirty dollars ($430) monthly during the first year of service, a salary of four hundred seventy-three dollars ($473) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred twenty-five dollars ($525) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(h) Two information clerks who shall be paid a minimum salary of four hundred forty dollars ($440) monthly during the first year of service, a salary of four hundred seventy-four dollars ($474) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, a salary of five hundred seven dollars ($507) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment, a salary of five hundred forty dollars ($540) monthly after the third year of service, commencing on the first day of the month following the third anniversary of his appointment, and a maximum salary of five hundred seventy-four dollars ($574) monthly after the fourth year of service, commencing on the first day of the month following the fourth anniversary of his appointment.

CHAPTER 520

An act to amend Section 2110 of the Public Utilities Code, relating to misdemeanor complaints.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 2110 of the Public Utilities Code is amended to read:

2110. Every public utility and every officer, agent, or employee of any public utility, who violates or fails to comply with, or who procures, aids, or abets any violation by any public utility of any provision of the Constitution of this state or of this part, or who fails to comply with any part of any order, decision, rule, direction, demand, or requirement of the com-

mission, or who procures, aids, or abets any public utility in such violation or noncompliance in a case in which a penalty has not otherwise been provided, is guilty of a misdemeanor and is punishable by a fine not exceeding one thousand dollars ($1,000), or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

CHAPTER 521

An act to amend Section 41102 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 41102 of the Vehicle Code is amended to read:

41102. (a) In any prosecution charging a violation of any regulation governing the standing or parking of a vehicle under this code or any ordinance enacted by local authorities, proof by the people of the State of California that the particular vehicle described in the complaint was parked in violation of any provision of this code or such ordinance, together with proof that the defendant named in the complaint was at the time of parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred, but for the purposes of this subdivision proof that a person is the registered owner of a vehicle does not create a presumption that the registered owner has violated any other provision of law. The above provisions shall apply only when the procedure required by Section 41103 is complied with. Proof of a written lease of, or rental agreement for, a particular vehicle described in the complaint, on the date and time of such violation, which lease or rental agreement includes the name and address of the person to whom the vehicle is leased or rented, shall rebut the prima facie presumption that the registered owner was the person who parked or placed the vehicle at the time and place where the violation occurred.

(b) In any prosecution charging a violation of any provision of this code requiring the display of any evidence of registration, with respect to an unattended vehicle, proof by the people of the State of California that the particular vehicle described in the complaint failed to properly display such evidence of registration, together with proof that the defendant named in the complaint was at the time the registered

owner of the vehicle, shall constitute a prima facie presumption that the registered owner of the vehicle was in control of, or responsible for, the vehicle at the time the violation occurred. No other presumption shall be created by this subdivision. The above provisions shall apply only when the procedure required by Section 41103 is complied with.

(c) Any charge under this section shall be dismissed when the person charged has made a bona fide sale or transfer of the vehicle and has delivered possession thereof to the purchaser and has complied with the requirements of subdivision (a) or (b) of Section 5602 prior to the date of the alleged violation and has advised the court of the name and address of the purchaser.

CHAPTER 522

An act to amend Section 772 of the Probate Code, relating to probate sales.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 772 of the Probate Code is amended to read:

772. Except as provided in Sections 757, 770 and 771 of this code, personal property may be sold only after notice posted at the courthouse of the county in which the proceedings are pending at least 10 days before the sale or, in case of a private sale, at least 10 days before the day on or after which the sale is to be made; or by publication pursuant to Section 6063a of the Government Code in a newspaper in such county, or by both, as the executor or administrator may determine. If it is shown that it will be for the best interests of the estate, the court may shorten the time of notice to no less than five days, and such notice must then be posted, or published pursuant to Section 6061 of the Government Code in the county in which the proceedings are pending, at least five days before the sale, or, in the case of a private sale, at least five days before the day on or after which the sale is to be made. Notice given pursuant to this section shall contain the time and place of sale, and a brief description of the property to be sold and stating whether the sale is to be a private or public sale. In case of a private sale the notice must state a place at which bids or offers will be received and a day on or after which the sale will be made and the sale must not be made before that day but must be made within one year thereafter. Public sales must be made at the courthouse door, or at some other public place, or at the residence of the decedent; but no public sale shall be made of any personal property which is not present

at the time of sale, unless the court shall otherwise order. A public sale may be postponed from time to time if the executor or administrator deems it for the interests of all persons concerned, such postponement not to exceed in all three months. In case of such postponement, notice thereof must be given by public declaration at the time and place appointed for the sale.

CHAPTER 523

An act to add Section 822 to the Education Code, relating to county superintendents of schools.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 822 is added to the Education Code, to read:

822. Each county superintendent of schools is authorized upon request to provide consultative or coordinative services for school districts under his jurisdiction which have established educational programs that are designed to meet the requirements of federal law for the receipt of federal funds for the support of the programs, and that are supported in whole or in part by federal funds. Such services may be financed by such federal funds as may be provided.

CHAPTER 524

An act to add Section 105.5 to the Business and Professions Code, relating to agencies within the Department of Professional and Vocational Standards.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 105.5 is added to the Business and Professions Code, to read:

105.5. Notwithstanding any other provision of this code, each member of a board, commission, examining committee, or other similarly constituted agency within the department shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

CHAPTER 525

An act to amend Section 28127 of the Government Code, relating to county salaries.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 28127 of the Government Code is amended to read:

28127. In a county of the 27th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eight thousand eight hundred and eighty dollars ($8,880) a year.

(b) The district attorney, twenty thousand dollars ($20,000) a year. He shall devote his entire time during office hours to the work of the county and state and is prohibited from engaging in private work within office hours. This does not preclude him from continuing or concluding any private matter in which he appeared of record prior to taking office.

(c) Each supervisor, for all services required of him as supervisor seven thousand five hundred dollars ($7,500) a year and his actual expenses necessarily incurred in the performance of county business within the county, not to exceed ten cents ($0.10) a mile, and actual expenses incurred doing county business outside of the county on order of the board of supervisors. He shall also be allowed ten cents ($0.10) a mile going to and from his residence to the courthouse to attend regular and special meetings of the board. In lieu of mileage allowed as a member of the board of supervisors, the chairman of the board shall be supplied by the county with an automobile for use in performance of official duties, and all expenses for fuel, oil, supplies, upkeep, and maintenance of such automobile shall be paid from county funds.

Each juror, for acting as a grand juror for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, seven dollars ($7), and ten cents ($0.10) for each mile actually traveled in the performance of such duties.

Each juror, for acting as a trial juror in criminal or civil cases for each day's attendance for trial, seven dollars ($7), and ten cents ($0.10) for each mile actually and necessarily traveled from their residence to and from the superior court or justice court.

Mileage shall be allowed grand jurors and trial jurors but once for each day they are required to and do attend. No mileage shall be allowed for traveling outside of the county.

CHAPTER 526

An act to add Section 25351.5 to the Government Code, relating to taxes upon admissions to places of public assembly owned, leased, or operated by counties.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 25351.5 is added to the Government Code, to read:

25351.5. When a county owns, leases or operates a convention hall, an exhibition hall, an auditorium, an opera house, a music hall and center, a museum, an art gallery, or an amphitheater as a place of public assembly for the use, benefit and enjoyment of the public, the board of supervisors may by ordinance levy an admission tax on the base purchase price of tickets sold for admission to any such facility. "Base purchase price" means the amount which is actually paid, and not the regular established price, for admission to the facility, exclusive of all other taxes, federal, state, or city, which are now or may hereafter be imposed on such admission. No tax shall be due in the case of a person admitted free of charge.

The ordinance shall provide for the administration and collection of the tax. The proceeds of the tax shall be deposited in the county treasury to be expended for the maintenance and operation of the facility from which the proceeds are derived. The amount of the tax shall not exceed 10 percent of the base purchase price of admission charged and shall not in any event exceed the amount necessary to defray the annual maintenance and operation expense of the facility from which the proceeds are derived.

CHAPTER 527

An act to amend Sections 73522, 73523, 73602, 73603, 74302, and 74303 of the Government Code, relating to municipal courts.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 73522 of the Government Code is amended to read:

73522. There shall be one clerk who shall receive a monthly salary at the rates specified in salary range number 39 of the salary schedule.

SEC. 2. Section 73523 of the Government Code is amended to read:

73523. The clerk may appoint:

(a) One chief deputy clerk who shall receive a monthly salary at the rates specified in salary range number 34 of the salary schedule.

(b) Four deputy clerks, grade III, each of whom shall receive a monthly salary at the rates specified in salary range number 31 of the salary schedule.

(c) Five deputy clerks, grade II, each of whom shall receive a monthly salary at the rate specified in salary range number 27 of the salary schedule.

(d) Nine deputy clerks, grade I, each of whom shall receive a monthly salary at the rates specified in salary range number 25 of the salary schedule.

SEC. 3. Section 73602 of the Government Code is amended to read:

73602. There shall be one clerk who shall receive a monthly salary at the rate specified in salary range number 39 of the salary schedule.

SEC. 4. Section 73603 of the Government Code is amended to read:

73603. The clerk may appoint:

(a) One chief deputy clerk who shall receive a monthly salary at the rates specified in salary range number 34 of the salary schedule.

(b) Five deputy clerks, grade III, each of whom shall receive a monthly salary at the rates specified in salary range number 31 of the salary schedule.

(c) Five deputy clerks, grade II, each of whom shall receive a monthly salary at the rates specified in salary range number 27 of the salary schedule.

(d) Eight deputy clerks, grade I, each of whom shall receive a monthly salary at the rates specified in salary range number 25 of the salary schedule.

(e) Two part-time deputy clerks, grade I, each of whom shall receive a monthly salary at an amount not to exceed one-half of the rates specified in salary range number 24 of the salary schedule.

SEC. 5. Section 74302 of the Government Code is amended to read:

74302. There shall be one clerk who shall receive a monthly salary at the rate specified in salary range number 39 of the salary schedule.

SEC. 6. Section 74303 of the Government Code is amended to read:

74303. The clerk may appoint:

(a) One chief deputy clerk who shall receive a monthly salary at the rate specified in salary range number 34 of the salary schedule.

(b) Seven deputy clerks, grade III, each of whom shall receive a monthly salary at the rate specified in salary range number 31 of the salary schedule.

(c) Six deputy clerks, grade II, each of whom shall receive a monthly salary at the rate specified in salary range number 27 of the salary schedule.

(d) Five deputy clerks, grade I, each of whom shall receive a monthly salary at the rate specified in salary range number 25 of the salary schedule.

CHAPTER 528

An act to amend Section 1811 of the Financial Code, relating to persons licensed to transmit money abroad.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 1814 of the Financial Code is amended to read:

1814. No licensee engaged in the business of selling or cashing checks, including travelers' checks, drafts, or money orders within the United States or receiving money for the purpose of transmitting the same within the United States by an instrument or order drawn upon and directed to the person receiving the money for transmission, shall charge a fee for selling or cashing such instruments, except travelers' checks, in excess of one-half of 1 percent of the face amount thereof or fifty cents ($0.50), whichever is greater.

CHAPTER 529

An act to amend Sections 3406, 3410, 3412, 3413, 3419, 3420, and 3424 of, and to repeal Sections 3421 and 3422 of the Public Resources Code, relating to oil and gas.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 3406 of the Public Resources Code is amended to read:

3406. Every person chargeable under this article, shall on or before March 15th of each year, file a report with the department. The report shall show all items of information demanded by the report, which are necessary to carry out this article. The report shall be verified by such person or officer as the department may designate.

SEC. 2. Section 3410 of the Public Resources Code is amended to read:

3410. The department shall, on or before March 1st of each year, acting in conjunction with the Department of Finance, make an estimate of the amount of money which will be required to carry out the provisions of this chapter.

SEC. 3. Section 3412 of the Public Resources Code is amended to read:

3412. On or before the 15th of June of each year, the department shall determine the rate or rates which will produce the sums necessary to be raised as provided in Sections 3410 and 3411. Within the same time the department shall extend into the proper column of the record of assessments the amount of charges due from each person.

SEC. 4. Section 3413 of the Public Resources Code is amended to read:

3413. Between the first of March and the 15th of June in each year, the department shall assess and levy the charges as provided in this article. The assessment shall be made against the person operating the property subject to assessment on the first Monday in March, except that, where the actual operation of any well has changed hands during the period for which the charge is imposed, the charge shall be apportioned to each operator upon the basis of the oil or gas produced during the period, and the lien provided for in Section 3423 shall be a lien against the property of each operator. If the name of the owner is unknown to the department the assessment shall be made against unknown owners.

Clerical errors occurring or appearing in the name of any person whose property is properly assessed and charged, or in the making or extension of any assessment or charge upon the records, which do not affect the substantial rights of the payer, shall not invalidate the assessment or charge.

SEC. 5. Section 3419 of the Public Resources Code is amended to read:

3419. On or before the first of July the department shall deliver to the State Controller the record of assessments and charges for the petroleum and gas fund, certified to by the director, which certificate shall be substantially as follows: "I, _____, Director of Conservation, do hereby certify that between the first of March and the first of July, 19___, I made diligent inquiry and examination to ascertain all property and persons, firms, corporations and associations subject to assessment for the purpose of the petroleum and gas fund as required by the provisions of Chapter 1 of Division 3 of the Public Resources Code, providing for the assessment and collection of charges for the petroleum and gas fund; that I have faithfully complied with all the duties imposed upon me by law; that I have not imposed any unjust or double assessment through malice or ill will or otherwise; nor allowed any person, firm, corporation, or association, or property to escape a just assessment or charge through favor or regard or otherwise." Failure to subscribe the certificate to the record of as-

sessments and charges for the petroleum and gas fund, or any certificate, shall not affect the validity of any assessment or charge.

SEC. 6. Section 3420 of the Public Resources Code is amended to read:

3420. The charges levied and assessed under this article are due and payable on the first of July in each year. One-half thereof shall be delinquent if not paid on or before August 15th of each year, and if paid thereafter, 15 percent shall be added to the amount thereof. Unless paid on or before the first of February next thereafter, an additional 5 percent shall be added to the amount thereof.

The remaining one-half of the charges shall be delinquent if not paid on or before the first of February next succeeding the day upon which they became due and payable. If not paid prior thereto, 5 percent shall be added to the amount thereof.

SEC. 7. Section 3421 of the Public Resources Code is repealed.

SEC. 8. Section 3422 of the Public Resources Code is repealed.

SEC. 9. Section 3424 of the Public Resources Code is amended to read:

3424. All charges assessed and levied shall be paid to the State Treasurer upon the order of the Controller. The Controller shall record the payment of any charge.

CHAPTER 530

An act to amend Section 32132 of the Health and Safety Code, relating to hospital districts.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 32132 of the Health and Safety Code is amended to read:

32132. The board of directors shall let any contract involving an expenditure of more than three thousand five hundred dollars ($3,500) for work to be done or for materials and supplies to be furnished, sold, or leased to the district, to the lowest responsible bidder who shall give such security as the board requires, or else reject all bids; provided, however, that the provisions of this section shall not apply to medical or surgical equipment or supplies or to professional services.

Bids need not be secured for change orders which do not materially change the scope of the work as set forth in a contract previously made; provided, that such contract was made after compliance with bidding requirements, and such

change orders do not total more than 5 percent of such contract.

As used in this section, "medical or surgical equipment or supplies" includes only equipment or supplies commonly, necessarily, and directly used by or under the direction of a physician and surgeon in caring for or treating a patient in a hospital.

CHAPTER 531

An act to amend Section 4119 of the Corporations Code, relating to recording of consolidation and merger agreements.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 4119 of the Corporations Code is amended to read:

4119. If the consolidated or surviving corporation be a domestic corporation, the agreement and certificate of such corporation as well as the certificate of each constituent domestic corporation shall be filed in the office of the Secretary of State and thereupon the consolidation or merger shall be effective as to any such domestic corporation. Copies of such agreement and certificate, certified by the Secretary of State, shall be filed and recorded by such consolidated or surviving corporation as provided in Section 4114. Neither the agreement nor any certificate shall be filed, however, until there has been filed with the Secretary of State a certificate executed by the Commissioner of Corporations to the effect that a permit has been issued or that in his opinion no permit is required under the provisions of the Corporate Securities Law. Each constituent foreign corporation which is qualified for the transaction of intrastate business in this state shall file in the office of the Secretary of State a certificate of surrender of right to transact intrastate business as provided for by Section 6700.

If the consolidated or surviving corporation be a foreign corporation, each constituent consolidated or merged foreign corporation which is qualified for the transaction of intrastate business in this state shall file in the office of the Secretary of State a certificate of surrender of its right to transact intrastate business as provided for by Section 6700. No filing need be made in this state by or on behalf of the surviving foreign corporation even though it be qualified for the transaction of intrastate business. Each constituent domestic corporation shall file in the office of the Secretary of State a copy of the agreement, certificate or other document filed by the consolidated or surviving foreign corporation in the state or place of its incorporation for the purpose of effecting the consolidation or merger which copy shall be certified by the public

officer having official custody of the original, or, in lieu thereof, an executed counterpart of the agreement or certificate and thereupon the consolidation or merger shall be effective as to such domestic corporation. Neither the agreement nor any certificate shall be filed, however, until there has been filed with the Secretary of State a certificate executed by the Commissioner of Corporations to the effect that a permit has been issued or that in his opinion no permit is required under the provisions of the Corporate Securities Law. Certified copies of such agreement, certificate or other document shall be filed and recorded by each constituent domestic corporation as provided in Section 4114.

CHAPTER 532

An act to add Section 456.5 to the Elections Code, relating to indexes of voter registration.

[Approved by Governor July 5, 1967 Filed with Secretary of State July 5, 1967]

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

SECTION 1. Section 456.5 is added to the Elections Code, to read:

456 5. If the county clerk maintains tabulating cards containing the information set forth in the affidavits of registration of voters, or sets forth that information on electronic data-processing tape, he shall forward to the Secretary of State one copy of a data-processing tape file setting forth the information contained on such cards or tape, together with a statement of the format of such tape file, at each of the following times:

a. Not less than 30 days prior to the primary election.

b. Not less than 30 days prior to the general election.

c. Immediately following the cancellation of affidavits of registration pursuant to Section 386.

The Secretary of State may make the information on such data-processing tape files available to any person for election or governmental purposes as determined by the Secretary of State and under conditions prescribed by the Secretary of State.

CHAPTER 533

An act to amend Section 22053 of, and to add Section 22054 to, the Financial Code, relating to loans of five thousand dollars ($5,000) or more by personal property brokers.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 22053 of the Financial Code is amended to read:

22053. The following sections of this division do not apply to any bona fide loan of a principal amount of five thousand dollars ($5,000) or more or to a duly licensed personal property broker in connection with any such loan, if the provisions of this section are not used for the purpose of evading this division: Sections 22004, 22005, 22404, 22405, 22450, 22451, 22452, 22453, 22454, 22455, 22456, 22457, 22458, 22459, 22460, 22461, 22462, 22463, 22464, 22465, 22466, 22467, 22468, 22469, 22470, 22472, 22473, 22474, 22480, 22607, 22650, 22651, and 22652.

SEC. 2. Section 22054 is added to the Financial Code, to read:

22054. In determining under Section 22053 whether a loan is a bona fide loan of a principal amount of five thousand dollars ($5,000) or more and whether the provisions of that section are used for the purpose of evading this division, the following principles apply:

(a) If a borrower applies for a loan in a principal amount of less than five thousand dollars ($5,000), and a loan to that borrower of a principal amount of five thousand dollars ($5,000) or more is made by a licensed personal property broker, and

(1) No adequate economic reason for the increase in the size of the loan exists, and

(2) By prearrangement or understanding between the borrower and the licensee a substantial payment is to be made upon the loan with the effect of reducing the principal amount of the loan to less than five thousand dollars ($5,000) within a short time after the making of the loan other than by reason of a requirement that the loan be paid in substantially equal periodical installments, then

the loan shall not be deemed to be a bona fide loan of the principal amount of five thousand dollars ($5,000) or more and the provisions of Section 22053 shall be deemed to be used for the purpose of evading this division unless the loan complies with the provisions of this division relating to loans of less than five thousand dollars ($5,000).

(b) An individual advance of money of less than five thousand dollars ($5,000) pursuant to a revolving loan agreement or similar agreement between a borrower and a licensed personal property broker, or a loan agreement providing for the

making of advances to the borrower from time to time up to an aggregate maximum amount, shall be deemed to be a loan of a principal amount of five thousand dollars ($5,000) or more if the total unpaid principal amount of all loans owing by the borrower to the licensed personal property broker at the time of any such advance is five thousand dollars ($5,000) or more.

(c) If a loan made by a licensed personal property broker is in a principal amount of five thousand dollars ($5,000) or more, the fact that the transaction is in the form of a sale of accounts, chattel paper, contract rights, goods or instruments or a lease of goods shall not be deemed to affect the bona fides of the loan or the amount thereof or to indicate that the provisions of Section 22053 are used for the purpose of evading this division. As used herein, "accounts," "chattel paper," "contract rights," "goods" and "instruments" shall have the same meaning as in the Commercial Code.

This section shall be deemed declaratory of existing law and not amendatory thereof.

CHAPTER 534

An act to amend Section 5508 of the Fish and Game Code, relating to the inspection of fish.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 5508 of the Fish and Game Code is amended to read:

5508. It is unlawful to possess on any boat or to bring ashore any fish upon which a size or weight limit is prescribed in such a condition that its size or weight cannot be determined.

The commission may adopt regulations, under which fish other than whole fish may be brought ashore, which establish sizes or weights for cleaned or otherwise cut fish equivalent to sizes or weights for whole fish.

CHAPTER 535

An act to amend Sections 1615, 2117, 3016, 4806, 5622, and 7605 of the Business and Professions Code, relating to secretaries of boards.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 1615 of the Business and Professions Code is amended to read:

1615. Each member of the board shall receive a per diem and expenses as provided in Section 103.

Each member shall receive one per diem for the review of each 20 examination papers or fraction thereof and for each set of examination questions prepared.

The secretary shall be entitled to traveling and other expenses necessary in the performance of his duties.

The secretary shall not receive a salary for acting in such capacity.

SEC. 2. Section 2117 of the Business and Professions Code is amended to read:

2117. Each member of the board shall receive a per diem and expenses as provided in Section 103.

Each member shall receive one per diem for the review of each 30 examination papers or fraction thereof.

The secretary-treasurer shall be entitled to the same per diem compensation as the other members of the board and to traveling and other expenses necessary in the performance of his duties.

The secretary-treasurer shall not receive a salary for acting in such capacity.

SEC. 3. Section 3016 of the Business and Professions Code is amended to read:

3016. The secretary shall be entitled to his traveling and other necessary expenses.

The secretary shall not receive a salary for acting in such capacity.

Each member of the board shall receive a per diem and expenses as provided in Section 103.

SEC. 4. Section 4806 of the Business and Professions Code is amended to read:

4806. Each member of the board shall receive a per diem and expenses as provided in Section 103. The secretary of the Board of Examiners in Veterinary Medicine shall receive expenses.

The secretary shall not receive a salary for acting in such capacity.

SEC. 5. Section 5622 of the Business and Professions Code is amended to read:

5622. Each member of the board shall receive a per diem and expenses as provided in Section 103.

The secretary shall not receive a salary for acting in such capacity.

SEC. 6. Section 7605 of the Business and Professions Code is amended to read:

7605. The board shall meet annually, and at such other times as it may determine.

It shall elect from its members, each for a term of one year, a president, a vice president, and a secretary.

Each member of the board shall receive a per diem and expenses as provided in Section 103.

The secretary shall not receive a salary for acting in such capacity.

CHAPTER 536

An act to repeal Sections 14652 and 14653 of the Government Code, relating to the Director of General Services.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 14652 of the Government Code, is repealed.

SEC. 2. Section 14653 of the Government Code is repealed.

CHAPTER 537

An act to add Section 13425.5 to the Health and Safety Code, relating to drycleaning.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 13425.5 is added to the Health and Safety Code, to read:

13425.5. Notwithstanding any other provisions of this chapter, the State Fire Marshal may approve equipment or devices for use in 140F drycleaning plants that do not conform to requirements of this chapter when such approved equipment is no longer manufactured or otherwise available.

CHAPTER 538

An act to add Sections 22844, 22845, 22846, 22847, and 22848 to the Water Code, relating to irrigation districts.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 22844 is added to the Water Code, to read:

22844. The board shall:

(a) Elect an assessor and a collector, each of whom shall hold office at the pleasure of the board.

(b) Fix and alter their respective compensations.

SEC. 2. Section 22845 is added to the Water Code, to read:

22845. The assessor and collector shall each qualify by taking and filing with the secretary the oath of office and shall give a bond to the district as required by the board.

SEC. 3. Section 22846 is added to the Water Code, to read:

22846. The bond of the collector shall be in the sum of fifty thousand dollars ($50,000) or more and shall be executed at the expense of the district by a surety company authorized to do business in the state, except if the gross revenue estimated by the board to be received by such district during the fiscal year does not exceed fifty thousand dollars ($50,000), in which case the bond of the collector may be the sum of such estimated gross annual revenue of the district.

SEC. 4. Section 22847 is added to the Water Code, to read:

22847. The board may:

(a) Appoint one person to hold the offices of both assessor and collector.

(b) Segregate the offices and appoint a person to fill each office.

SEC. 5. Section 22848 is added to the Water Code, to read:

22848. The same person may hold the office of general manager, secretary, assessor, and collector, or any of those offices.

CHAPTER 539

An act to amend Section 51362 of the Water Code, relating to reclamation districts.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 51362 of the Water Code is amended to read:

51362. The tax shall not exceed the rate of one dollar and fifty cents ($1.50) on each one hundred dollars ($100) of the value assessed on the county tax roll of all taxable land and improvements thereon within the district; except that in any district consisting of less than 100 acres and situated within the plan of improvement for flood control and other purposes on the lower San Joaquin River as adopted pursuant to Section 12651, a special tax may be levied at a rate not to exceed two dollars and fifty cents ($2.50) on each one hundred dollars ($100) of the value assessed on the county tax roll of all taxable land and improvements thereon within the district.

CHAPTER 540

An act to amend Section 23010.1 of the Government Code, and to repeal Chapter 1 (commencing with Section 14001) of, Chapter 1a (commencing with Section 14325) of, Chapter 2 (commencing with Section 14400) of, and Chapter 3 (commencing with Section 14600) of, Part 3, of Division 12 of the Health and Safety Code, relating to fire protection districts.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 23010.1 of the Government Code is amended to read:

23010.1. Pursuant to a resolution adopted by its board of supervisors, a county may lend any of its available funds to any fire protection district located wholly within the county if the funds of the fire protection district are or, when available, will be in the custody of the county treasurer, for the acquisition of real or personal property and the construction of structures needed for district purposes.

The board of supervisors in the resolution shall specify the date and manner in which the funds shall be repaid. The resolution may require the repayment of the loan in equal annual installments. The loan shall be repaid within the time specified in the resolution which shall not in any event exceed 10 years.

SEC. 2. Chapter 1 (commencing with Section 14001) of Part 3 of Division 12 of the Health and Safety Code is repealed.

SEC. 3. Chapter 1a (commencing with Section 14325) of Part 3 of Division 12 of the Health and Safety Code is repealed.

SEC. 4. Chapter 2 (commencing with Section 14400) of Part 3 of Division 12 of the Health and Safety Code is repealed.

SEC. 5. Chapter 3 (commencing with Section 14600) of Part 3 of Division 12 of the Health and Safety Code is repealed.

CHAPTER 541

An act to amend Section 23428.12 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 23428.12 of the Business and Professions Code is amended to read:

23428.12. For purposes of this article "club" also means any nonprofit social and religious club which has more than 50 bona fide members, and owns or leases, operates and maintains a clubroom or rooms for its membership, and has operated the clubroom or rooms for a period of not less than eight years, and has regular membership dues of not less than twenty-five dollars ($25) per year per member.

The provisions of Section 23399 shall not apply to such a club.

CHAPTER 542

An act to amend Section 1197.1 of the Code of Civil Procedure, relating to mechanics' liens.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 1197.1 of the Code of Civil Procedure is amended to read:

1197.1. (a) No action to enforce the payment of any claim, notice of which may be given pursuant to Article 2, shall be commenced against the owner, nor against the state or any public board, commission, or officer thereof, nor against any political subdivision of the state or the disbursing officer thereof whose duty it is to make payments under provisions of such contract, nor against any of the parties described in subdivision (h) of Section 1190.1, prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by Section 1193.1 of this code, nor shall any such suit be commenced later than 90 days following the expiration of such period, except that if the claim arises out of a work of improvement that is subject to acceptance by a city, county, or other local governmental agency, then suit shall be commenced not less than 90 days nor more than 180 days after the last delivery of materials or performance of work. No money or bond shall be withheld by reason of any such notice as is prescribed by Article 2 longer than said 90 days following the expiration of such period unless proceedings be commenced in a

proper court within that time by the claimant to enforce his claim; and in case such proceedings be so commenced but be not prosecuted to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution; and in all cases upon the dismissal of such proceedings, unless it be expressly stated that the same is without prejudice, or upon a judgment rendered therein against the claimant, or upon the termination of said 90 days above provided if such proceedings have not been commenced, such notice shall cease to be effective and the moneys or bonds withheld shall be paid or delivered to the contractor or other person to whom they are due.

(b) Notice of such proceedings shall be given or filed within five days after the commencement thereof to the same persons and in the same manner as provided in Article 2 of this chapter with respect to notice of claim.

(c) Any number of persons who have given such notices may join in the same action and when separate actions are commenced the court first acquiring jurisdiction may consolidate them.

(d) Upon the demand of the owner the court shall require all claimants to the moneys withheld by the owner in response to such notices to be impleaded in said action, to the end that the respective rights of all parties may be adjudicated and settled therein.

CHAPTER 543

An act to amend Section 22651 of the Vehicle Code, relating to impounding of motor vehicles.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 22651 of the Vehicle Code is amended to read:

22651. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located may remove a vehicle from a highway under the following circumstances:

(a) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

(b) When any vehicle is left standing upon a highway in such a position as to obstruct the normal movement of traffic.

(c) When any vehicle is found upon a highway and report has previously been made that the vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(d) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move such vehicle from in front of the driveway to another point on the highway.

(e) When any vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move such vehicle from in front of the fire hydrant to another point on the highway.

(f) When any vehicle, except any highway maintenance or construction equipment, is left unattended for more than four hours upon the right-of-way of any freeway which has full control of access and no crossings at grade.

(g) When the person or persons in charge of a vehicle upon a highway are by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

(h) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by this code or other law required or permitted to take and does take the person arrested before a magistrate without unnecessary delay.

(i) When any vehicle registered in a foreign jurisdiction is found upon a highway and it is known to have been issued five or more notices of parking violation over a period of five or more days, to which the owner or person in control of the vehicle has failed to respond, the vehicle may be impounded until such person furnishes to the impounding police agency evidence of his identity and an address within this state at which he can be located.

A notice of a parking violation issued to such vehicle shall be accompanied by a warning that repeated violations may result in the vehicle being impounded.

CHAPTER 544

An act to amend Sections 24404, 24606, and 25256 of, and to add Section 24253 to, the Vehicle Code, relating to lighting equipment.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 24253 is added to the Vehicle Code, to read:

24253. All motor vehicles manufactured and first registered after January 1, 1970, shall be equipped so all taillamps are capable of remaining lighted for a period of at least one-quarter hour with the engine inoperative. This requirement shall be complied with by an energy storing system which is recharged by energy produced by the vehicle.

SEC. 2. Section 24404 of the Vehicle Code is amended to read:

24404. (a) A motor vehicle may be equipped with not to exceed two white spotlamps, which shall not be used in substitution of headlamps.

(b) No spotlamp shall be equipped with any lamp source exceeding 32 standard candlepower or 30 watts nor project any glaring light into the eyes of an approaching driver.

(c) Every spotlamp shall be so directed when in use: That no portion of the main substantially parallel beam of light will strike the roadway to the left of the prolongation of the left side line of the vehicle.

That the top of the beam will not strike the roadway at a distance in excess of 300 feet from the vehicle.

(d) This section does not apply to spotlamps on authorized emergency vehicles.

(e) No spotlamp when in use shall be directed so as to illuminate any other moving vehicle.

SEC. 3. Section 24606 of the Vehicle Code is amended to read:

24606. (a) Any vehicle may be equipped with one or more backup lamps either separately or in combination with another lamp. A backup lamp shall be so directed as to project a white or amber light illuminating the highway to the rear of the vehicle for a distance not to exceed 75 feet. A backup lamp may project incidental red, amber, or white light through reflectors or lenses that are adjacent, close to or a part of the lamp assembly.

(b) No backup lamp shall exceed a diameter of six inches or an area of 28 square inches measured across the lens or face thereof nor shall it be lighted on any vehicle moving forward or otherwise except when the vehicle is about to be or is backing on a highway.

SEC. 4. Section 25256 of the Vehicle Code is amended to read:

25256. Vehicles used by highway authorities or bridge and highway districts, and vehicles of duly authorized representatives thereof, used in highway maintenance, inspection, survey or construction work may display flashing amber warning lights to the front, sides or rear when such vehicles are parked or working on the highway.

CHAPTER 545

An act to amend Section 14610 of the Vehicle Code, relating to driver's licenses.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 14610 of the Vehicle Code is amended to read:

14610. It is unlawful for any person:

(a) To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, fraudulently altered, or fraudulently obtained driver's license.

(b) To lend his driver's license to any other person or knowingly permit the use thereof by another.

(c) To display or represent any driver's license not issued to him as being his license.

(d) To fail or refuse to surrender to the department upon its lawful demand any driver's license which has been suspended, revoked or canceled.

(e) To permit any unlawful use of a driver's license issued to him.

(f) To do any act forbidden or fail to perform any act required by this division.

(g) To photograph, photostat, duplicate, or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or have in his possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by the provisions of this code.

CHAPTER 546

An act to amend Section 26708 of the Vehicle Code, relating to motor vehicle windows.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 26708 of the Vehicle Code is amended to read:

26708. (a) No person shall drive any motor vehicle with any object or material placed upon the windshield, side or rear windows or with any object or material so placed in or upon the vehicle as to obstruct or reduce the driver's clear view through the windshield or side windows.

(b) This section shall not apply to:

(1) Rearview mirrors, or adjustable nontransparent sun visors which are mounted forward of the side windows and are not attached to the glass.

(2) Signs, stickers or other materials which are displayed in a seven-inch square in the lower corner of the windshield farthest removed from the driver, or as provided by Section 2814 of this code.

(3) Side windows which are to the rear of the driver.

(4) Direction, destination, or termini signs upon a passenger common carrier motor vehicle, providing such signs do not interfere with the driver's clear view of approaching traffic.

SEC. 2. Section 26708 of the Vehicle Code is amended to read:

26708. (a) No person shall drive any motor vehicle with any object or material placed upon the windshield, side or rear windows or with any object or material so placed in or upon the vehicle as to obstruct or reduce the driver's clear view through the windshield or side windows.

(b) This section shall not apply to:

(1) Rearview mirrors, or adjustable nontransparent sun visors which are mounted forward of the side windows and are not attached to the glass.

(2) Signs, stickers or other materials which are displayed in a seven-inch square in the lower corner of the windshield farthest removed from the driver, or as provided by Sections 2814 and 4000.1, and Chapter 7 (commencing with Section 28500) of Division 12 of this code.

(3) Side windows which are to the rear of the driver.

(4) Direction, destination, or termini signs upon a passenger common carrier motor vehicle, providing such signs do not interfere with the driver's clear view of approaching traffic.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 106 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 106 takes effect, at which time Section 1 of this act is repealed.

CHAPTER 547

An act to amend Section 16000 of the Vehicle Code, relating to motor vehicle accidents.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 16000 of the Vehicle Code is amended to read:

16000. The driver of every motor vehicle which is in any manner involved in an accident originating from the operation of a motor vehicle on any street or highway which accident has resulted in damage to the property of any one person in excess of two hundred dollars ($200) or in bodily injury or in the death of any person shall within 15 days after the accident, report the accident on a form approved by the department to the office of the department at Sacramento, subject to the provisions in this article.

CHAPTER 548

An act to amend Section 26709 of the Vehicle Code, relating to vehicle equipment.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 26709 of the Vehicle Code is amended to read:

26709. (a) Every motor vehicle registered in a foreign jurisdiction and every motorcycle subject to registration in this state shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle.

Every motor vehicle subject to registration in this state, except a motorcycle, shall be equipped with not less than two such mirrors, including one affixed to the left-hand side.

(b) The following described types of motor vehicles, of a type subject to registration, shall be equipped with mirrors on both the left- and right-hand sides of the vehicle so located as to reflect to the driver a view of the highway through each mirror for a distance of at least 200 feet to the rear of such vehicle:

(1) A motor vehicle so constructed as to obstruct the driver's view to the rear.

(2) A motor vehicle towing a vehicle and the towed vehicle or load thereon obstructs the driver's view to the rear.

(3) A motor truck so loaded as to obstruct the driver's view to the rear.

(4) A bus or trolley coach.

SEC. 2. Section 1 of this act shall become operative on January 1, 1968.

CHAPTER 549

An act to amend Sections 13202 and 13203 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 13202 of the Vehicle Code is amended to read:

13202. (a) A court may suspend or order that the department revoke in which case the department shall revoke the privilege of any person to operate a motor vehicle upon conviction of any narcotic offense as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code when the use of a motor vehicle was involved in, or incidental to, the commission of the offense.

(b) A court shall order that the department revoke and the department shall revoke the privilege of any person to operate a motor vehicle upon conviction of a violation of Section 11500, 11500.5, 11501, 11502, 11530, 11530.5, 11531, or 11532 of the Health and Safety Code when a motor vehicle was involved in, or incidental to, the commission of such offense.

(c) The period of time for suspension or the period after revocation during which the person may not apply for a license shall be determined by the court.

SEC. 2. Section 13203 of the Vehicle Code is amended to read:

13203. In no event shall a court, other than a juvenile court, suspend the privilege of any person to operate a motor vehicle or as a condition of probation prohibit the operation of a motor vehicle for a period of time longer than that specified in this code. Any such prohibited order of a court, whether imposed as a condition of probation or otherwise, shall be null and void, and the department shall restore or reissue a license to any person entitled thereto irrespective of any such invalid order of a court.

CHAPTER 550

An act to add Sections 31639.25, 31663.25, 31664.01, 31664.15 and 31664.65 to the Government Code, relating to county employees' retirement.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 31639.25 is added to the Government Code, to read:

31639.25. The normal rates of contributions shall be such as will provide an average annuity at age 50 equal to one one-hundredth of the final compensation of safety members, according to the tables adopted by the board of supervisors, for each year of service rendered after entering the system.

The provisions of this section shall supersede the provisions of Section 31639.2.

SEC. 2. Section 31663.25 is added to the Government Code, to read:

31663.25. Any safety member who has reached the compulsory age of retirement or any safety member who has completed 10 years of continuous service and who has reached the age of 50, or any member who has completed 30 years of service regardless of age, may be retired upon filing with the board a written application setting forth the date upon which he desires his retirement to become effective which shall be not more than 60 days after the date of filing the application.

The provisions of this section shall supersede the provisions of Section 31663.2.

SEC. 3. Section 31664.01 is added to the Government Code, to read:

31664.01. Notwithstanding any other provisions of this chapter, the current service pension or the current service pension combined with the prior service pension is an additional pension for safety members purchased by the contributions of the county or district sufficient when added to the service retirement annuity to equal the fraction of one-fiftieth of his final compensation set forth opposite his age at retirement taken to the preceding completed quarter year in the following table, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed the limitation of the safety member's final compensation as set forth in Section 31676.1 as it now reads or may hereafter be amended to read:

Age at retirement	Fraction
50	1.0000
50¼	1.0130
50½	1.0259
50¾	1.0387
51	1.0516
51¼	1.0656
51½	1.0796
51¾	1.0937
52	1.1078
52¼	1.1231
52½	1.1384
52¾	1.1538
53	1.1692
53¼	1.1859
53½	1.2028

53¾	1.2195
54	1.2336
54¼	1.2547
54½	1.2730
54¾	1.2915
55	1.3099
55¼	
55½	
55¾	
56	1.3099
56¼	
56½	
56¾	
57	1.3099
57¼	
57½	
57¾	
58	1.3099
58¼	
58½	
58¾	
59	1.3099
59¼	
59½	
59¾	
60 and over	1.3099

The fraction herein set forth shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by each such board.

Contributions shall not be made by safety members having credit for 30 years of continuous service.

The provisions of this section shall supersede the provisions of Section 31664.

SEC. 4. Section 31664.15 is added to the Government Code, to read:

31664.15. Notwithstanding any other provisions of this chapter, a safety member who enters the system with credit for prior service and retires upon completion of 20 years of continuous service and a total of 25 years of service after attaining age 50 whose retirement allowance is less than one-half of his final compensation, his prior service pension shall be increased so as to cause his total retirement allowance to amount to one-half of such final compensation.

The provisions of this section shall supersede the provisions of Section 31664.1.

SEC. 5. Section 31664.65 is added to the Government Code, to read:

31664.65. If a member retires with credit for time during which he was not a safety member or a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part, he shall receive for such time:

(a) A retirement allowance calculated pursuant to Section 31664.01 for time during which he was employed principally in active law enforcement or active fire suppression as described in Section 31470.2 or Section 31470.4 by a county, or by a district or court organized or existing within such county, or was a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part, plus a retirement allowance calculated under either (b) or (c) of this section, whichever is applicable.

(b) A retirement allowance calculated pursuant to Section 31664.01 for all prior county service with such county, and for any public service credit for which the member has elected to receive pursuant to Sections 31641.1 or 31641.5.

This subdivision shall apply only to a member who, when the board of supervisors pursuant to Section 31695.1 provides that provisions of this chapter relating to safety members shall apply to all employees of the county whose principle duties consist of active law enforcement or active fire suppression as defined in Sections 31470.2 or 31470.4, was employed by the county principally in active law enforcement or active fire suppression as defined by such sections and who elected to be included within such safety member provisions at the time and in the manner prescribed by Section 31695.2.

(c) A retirement allowance calculated pursuant to Article 8 of this chapter for time during which he was not engaged principally in active law enforcement or active fire suppression as described in Section 31470.2 or Section 31470.4, nor a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part.

This subdivision shall apply to any member to whom subdivision (b) is not applicable.

The provisions of this section shall supersede the provisions of Section 31664.6.

CHAPTER 551

An act to amend Sections 4000, 4452, and 4604 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 4000 of the Vehicle Code is amended to read:

4000. (a) No person shall drive, move, or leave standing any motor vehicle, trailer, semitrailer, pole or pipe dolly, logging dolly, or auxiliary dolly upon a highway unless it is registered and the appropriate fees have been paid under this code.

No person shall drive, move, or leave standing any motor vehicle upon a highway which has been registered in violation of Chapter 3 (commencing at Section 24378) of Division 20 of the Health and Safety Code.

(b) The provisions of this section shall not apply, following payment of fees due for registration, during such time that registration and transfer is being withheld by the Department of Motor Vehicles pending the investigation of any use tax due under the provisions of the Revenue and Taxation Code.

(c) When a vehicle is towed by a tow car on order of a sheriff, marshal, or other official acting pursuant to a court order or on order of a peace officer acting pursuant to the provisions of Chapter 10 (commencing with Section 22650) of Division 11, the provisions of subdivision (a) of this section shall not apply.

SEC. 2. Section 4452 of the Vehicle Code is amended to read:

4452 The department may issue a certificate of ownership to the legal owner of a vehicle subject to registration under this code without requiring registration, and may issue a facsimile copy of the certificate to the owner if there is no legal owner, subject to the following conditions:

(a) The application shall be submitted in proper form.

(b) An affidavit of the owner shall be filed with the department that the vehicle has not been driven, moved, or left standing upon any highway so as to require payment of fees and that the owner will not thereafter permit such operation or movement of the vehicle or leave such vehicle standing on any highway without surrendering or arranging to surrender the certificate of ownership to the department and without first making application for regular registration of such vehicle and full payment of all fees required to be paid under this code and Part 5 of Division 2 of the Revenue and Taxation Code, commencing at Section 10701.

(c) The provisions of this section shall not be construed to permit the issuance of a certificate of ownership or a facsimile copy thereof for any vehicle exempted from payment of registration fees as provided in this code or of those fees specified in Part 5 of Division 2 of the Revenue and Taxation Code, commencing at Section 10701.

SEC. 3. Section 4604 of the Vehicle Code is amended to read:

4604. When the registration of a vehicle has expired at midnight on the 31st day of December of any year and the vehicle is not thereafter operated, moved, or left standing upon any highway, then any application for renewal made subsequent to the fourth day of February following the expiration of the registration and for succeeding calendar years in which the vehicle has not been registered shall be accompanied by a certificate of nonoperation. The application for renewal of

registration, whether or not accompanied by an application for transfer of any title or interest therein, shall be received by the department upon payment of the proper fees for the current calendar year and without penalty for delinquent payment of fees imposed under this code or under Part 5 of Division 2 of the Revenue and Taxation Code, commencing at Section 10701; provided, that the department receives the application and certificate of nonoperation within 30 days after the date the vehicle is first operated or left standing upon any highway during the current calendar year.

CHAPTER 552

An act to amend Section 8696 of the Fish and Game Code, relating to gill nets.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 8696 of the Fish and Game Code is amended to read:

8696. Set gill nets may be used in District 10 south of Point Reyes except for the taking of salmon.

CHAPTER 553

An act to amend Section 4986 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 4986 of the Revenue and Taxation Code is amended to read:

4986. (1) All or any portion of any uncollected tax, penalty, or costs, heretofore or hereafter levied, may, on satisfactory proof, be canceled by the auditor on order of the board of supervisors with the written consent of the county legal advisor if it was levied or charged:

(a) More than once.

(b) Erroneously or illegally.

(c) On a portion of an assessment in excess of the ratio of assessed value to the full cash value of the property as provided in Section 401 by reason of the assessor's clerical error.

(d) On improvements when the improvements did not exist on the lien date.

(e) On property annexed after the lien date by the public entity owning it.

(f) On property acquired prior to September 18, 1959, by the United States of America, the state, or by any county, city, school district or other political subdivision and which, because of such public ownership, became not subject to sale for delinquent taxes.

(2) (a) On property acquired after the lien date by the United States of America, if such property upon such acquisition becomes exempt from taxation under the laws of the United States, or by the state or by any county, city, school district or other public entity, and because of such public ownership becomes not subject to sale for delinquent taxes, no cancellation shall be made in respect of all or any portion of any such unpaid tax, or penalties or costs, but such tax, together with such penalties and costs as may have accrued thereon while on the secured roll, shall be transferred to the unsecured roll pursuant to Section 2921.5 of this code, and collection thereof shall be made and had as provided therein, except that the statute of limitations on any suit brought to collect such taxes and penalties shall commence to run from the date of transfer of such taxes, penalties and costs to the unsecured roll, which date shall be entered on the unsecured roll by the auditor opposite the name of the assessee at the time such transfer is made. The foregoing toll of the statute of limitations shall apply retroactively to all such unpaid taxes and penalties so transferred, the delinquent dates of which are prior to the effective date of the amendment of this section at the 1959 Regular Session.

If any property described in this subdivision is acquired by a negotiated purchase and sale, gift, or devise after the lien date but prior to the commencement of the fiscal year for which current taxes are a lien on the property, the amount of such current taxes shall be canceled and neither the person from whom the property was acquired nor the public entity shall be liable for the payment of such taxes. If, however, the property is so acquired after the commencement of the fiscal year for which the current taxes are a lien on the property, that portion only of such current taxes, together with any allocable penalties and costs thereon, which are properly allocable to that part of the fiscal year which ends on the day before the date of acquisition of the property, shall be transferred to the unsecured roll and be collectible from the person from whom the property was acquired. The portion of such taxes, together with any penalties and costs thereon, which are allocable to that part of the fiscal year which begins on the date of the acquisition of the property, shall be canceled and shall not be collectible either from the person from whom the property was acquired nor from the public entity.

In no event shall any transfer of unpaid taxes, penalties or costs be made with respect to property which has been tax-deeded to the state for delinquency.

For purposes of this subdivision (a) if proceedings for acquisition of the property by eminent domain have not been commenced, the date of acquisition shall be the date that the conveyance is recorded in the name of the public entity or the date of actual possession by the public entity, whichever is earlier. If proceedings to acquire the property by eminent domain have been commenced and an order of immediate possession obtained prior to acquisition of the property by deed, the date of acquisition shall be the date upon or after which the plaintiff may take possession as authorized by such order of immediate possession.

(b) If at the time exemption from sale attaches to land or improvements acquired by a public entity the purchase price thereof is deposited in the registry of a court in an eminent domain proceeding, all delinquent taxes, penalties and costs which were or are a lien against such land or improvements and the pro rata share of the current taxes, penalties and costs which are a lien against such land or improvements, prorated for the fiscal year for which such current taxes, penalties and costs are or will be due and payable, shall be paid out of the award. The date for such proration shall be at the time title was transferred to, or possession was taken by, the public entity, whichever time the court determines to have first occurred. If the amount of the current tax is not ascertainable at the time the proration is made the same shall be estimated and computed by the court based upon the last equalized assessed value of the property in its entirety regardless of any segregation which may occur by reason of the taking, and the tax rate levied on the property for the immediate prior year. The court shall further order canceled the public entity's portion of any prorated current tax. The subject of the amount of the taxes which may be due on the property shall not be considered relevant on any issue in the condemnation action, and the mention of said subject, either on the voir dire examination of jurors, or during the examination of witnesses, or as a part of the court's instructions to the jury, or in argument of counsel, or otherwise, shall constitute grounds for a mistrial in any such action.

No cancellation under paragraph (b) of subdivision (1) of this section shall be made in respect of all or any portion of any tax, or penalties or costs attached thereto, collectible by county officers on behalf of a municipal corporation without the written consent of the city attorney or other officer designated by the city council unless the city council, by resolution filed with the board of supervisors, has authorized the cancellation by county officers. The resolution shall remain effective until rescinded by the city council.

For the purpose of this subdivision the date of possession shall be the date after which the plaintiff may take possession as authorized by order of the court or as authorized by a declaration of taking.

CHAPTER 554

An act to amend Section 28157 of the Government Code, relating to county officers' salaries.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 28157 of the Government Code is amended to read:

28157. In a county of the 57th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand three hundred dollars ($9,300) a year.

(b) The district attorney, thirteen thousand six hundred eighty dollars ($13,680) a year. He shall devote his entire time to the duties of his office, and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year and twenty cents ($0.20) a mile one way to board meetings.

(d) Jurors' fees shall be as follows: for each day's attendance as a grand juror or trial juror in the superior court six dollars ($6), and twenty cents ($0.20) for each mile actually traveled in attending court as such juror, in going only. The county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror. The auditor shall draw his warrant therefor, and the treasurer shall pay the warrant.

CHAPTER 555

An act to amend Section 1852 of the Probate Code, relating to conservatorship.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 1852 of the Probate Code is amended to read:

1852. Every conservator of the estate or of the person and the estate of a conservatee shall have the powers granted to a guardian of the estate or of the person and estate of an incompetent in Chapters 7, 8 and 9 of Division 4 of this code, and, if granted by the court, the additional powers authorized by Section 1853 of this code.

CHAPTER 556

An act to amend Section 6404 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 6404 of the Revenue and Taxation Code is amended to read:

6404. The loan by any retailer of any tangible personal property to any school district for an educational program conducted by the district is exempt from the use tax. If the retailer makes any other use of the property except retention, demonstration or display while holding it for sale in the regular course of business, the use is taxable to the retailer under Chapter 3 of this part as of the time the property is first so used, and the sales price of the property to the retailer is the measure of the tax.

CHAPTER 557

An act to amend Sections 11500 and 11700 of the Vehicle Code, relating to licenses for dealers, transporters, manufacturers and dismantlers.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 11500 of the Vehicle Code is amended to read:

11500. It shall be unlawful for any person to act as an automobile dismantler without first having procured a license and certificate or temporary permit issued by the department, or when such license and certificate or temporary permit issued by the department has been canceled, suspended, revoked or invalidated or has expired.

SEC. 2. Section 11700 of said code is amended to read:

11700. It shall be unlawful for any person to act as a dealer, manufacturer, or transporter without having first procured a license and certificate as required in Section 11701 or temporary permit issued by the department, or when such license and certificate or temporary permit issued by the department has been canceled, suspended, revoked, or invalidated or has expired.

CHAPTER 558

An act to amend Section 5652 of the Fish and Game Code, relating to litter.

[Approved by Governor July 5, 1967 Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 5652 of the Fish and Game Code is amended to read:

5652. It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high-water mark of the waters of the state, any cans, bottles, garbage, rubbish, or the viscera or carcass of any dead mammal, or the carcass of any dead bird. This section does not apply to the depositing of such materials in a container or refuse disposal dump maintained for disposal of such materials by any federal, state or local government agency, or the property owner.

The provisions of this section shall be enforced by all law enforcement officers of this state.

CHAPTER 559

An act to add Section 1604.5 to, and to amend Section 1608 of, the Revenue and Taxation Code, relating to equalization of assessments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1967 Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 1604.5 is added to the Revenue and Taxation Code, to read:

1604.5. Notwithstanding any other provision of law to the contrary, in any county in which assessment appeals boards have been created and are in existence, the time for equalization of assessments made outside the regular assessment period for such assessments, including assessments made pursuant to Sections 501, 503, 504, 531, 531.1 and 1061, shall be prescribed by rules adopted by the board of supervisors.

SEC. 2. Section 1608 of the Revenue and Taxation Code is amended to read:

1608. Before the county board makes any reduction, it shall examine, on oath, the person affected or the agent making the application touching the value of the property. A reduction shall not be made unless the person or agent attends and

answers all questions pertinent to the inquiry; provided, however, in the event there is filed with the county board a written stipulation, signed by the assessor and county legal officer on behalf of the county and the person affected or the agent making the application, as to the full cash value and assessed value of the property which stipulation sets forth the facts upon which the reduction in value is premised, the county board may, at a public hearing, (a) accept the stipulation, waive the appearance of the person affected or the agent and change the assessed value in accordance with Section 1605, or (b) reject the stipulation and set or reset the application for reduction for hearing.

SEC. 3. 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 such necessity are:

Each year in California, thousands of citizens in the several counties are required to appear on their own time and at their own expense at equalization hearings, even though there may be no disagreement with respect to the assessed value and market value of property between the assessors and the property owners. Many of these persons are old and infirm. Many are salaried employees. Many are self-employed in small businesses. Requiring elderly and infirm persons to appear at such hearings often is a physical imposition and the loss in wages or business income by others often wipes out the reduction in terms of taxes to which such persons are entitled. This act will correct this inequitable situation and will also establish means for assessment appeals boards to hold orderly proceedings for equalization hearings on assessments made outside the regular assessment period. Therefore, it is necessary that this act go into immediate effect.

CHAPTER 560

An act to amend Section 31628 of the Government Code, relating to the county employees retirement system.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 31628 of the Government Code is amended to read:

31628. If the service of a member is discontinued other than by death or retirement, upon proper application submitted to the county treasurer, he shall be paid all of his accumulated contributions, in accordance with the provisions of this act, minus a withdrawal charge, if a withdrawal charge

has been provided for by the regulations of the board. The board may order payment in whole or in part withheld for a period not to exceed six months after date of separation. If a member does not file the proper application, the county treasurer shall send to such member, not more than 90 days after termination of service, at his last known address, a registered or certified letter, return receipt requested, stating that he has money to his credit on the books of the retirement system and that if he does not claim such money within 10 years after date of notice, such money will be deposited in and become a part of the current pension reserve fund.

CHAPTER 561

An act to amend Section 62.8 of the Harbors and Navigation Code and Section 512 of the Public Resources Code, relating to approvals by the Department of General Services.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 62.8 of the Harbors and Navigation Code is amended to read:

62.8. For the purpose of disseminating information relating to its activities, powers, duties, or functions, the department may issue publications, construct and maintain exhibits, and perform such acts and carry on such functions as in the opinion of the director will best tend to disseminate such information.

Such publications may be distributed free of charge to public libraries and to other state departments and state officers. The department may exchange copies with contemporary publications.

All money received by the department from the sale of publications, exclusive of money received by any separate division of the department from the sale of publications, shall be paid into the State Treasury to the credit of the General Fund.

SEC. 2. Section 512 of the Public Resources Code is amended to read:

512. For the purpose of disseminating information relating to its activities, powers, duties, or functions, the department may issue publications, construct and maintain exhibits, and perform such acts and carry on such functions as in the opinion of the director will best tend to disseminate such information.

Such publications may be distributed free of charge to public libraries and to other state departments and state officers. The department may exchange copies with contemporary publications.

All money received by the department from the sale of publications, exclusive of money received by any separate division of the department from the sale of publications, shall be paid into the State Treasury to the credit of the General Fund.

SEC. 3. Section 512 of the Public Resources Code is amended to read:

512. For the purpose of disseminating information relating to its activities, powers, duties, or functions, the department may issue publications, construct and maintain exhibits, and perform such acts and carry on such functions as in the opinion of the director will best tend to disseminate such information.

Such publications may be distributed free of charge to public libraries and to other state departments and state officers. The department may exchange copies with contemporary publications.

All money received by the department from the sale of publications shall be paid into the State Treasury to the credit of the General Fund.

SEC. 4. Section 3 of this act shall become operative only if Senate Bill No. 1301 is enacted by the Legislature at its 1967 Regular Session and amends Section 512 of the Public Resources Code, and in such case at the same time as Senate Bill No. 1301 takes effect; at which time Section 512 of the Public Resources Code as amended by Section 2 of this act is repealed.

CHAPTER 562

An act to amend Section 820 of the Streets and Highways Code, relating to federal aid to highways.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 820 of the Streets and Highways Code is amended to read:

820. The State of California assents to the provisions of Title 23, United States Code, as amended and supplemented. All work done under the provisions of Title 23 or other acts of Congress relative to federal aid, or other cooperative highway work, or to emergency construction of pub-

lic highways with funds apportioned by the government of the United States, shall be performed as required under acts of Congress and the rules and regulations promulgated thereunder. Laws of this state inconsistent with such laws, or rules and regulations of the United States, shall not apply to such work, to the extent of such inconsistency.

SEC. 2. This act is a reenactment of Section 820 of the Streets and Highways Code for the purpose of stating the assent of the State of California to the provisions of the applicable federal statutes, rules and regulations.

CHAPTER 563

An act to add Section 1626 to the Revenue and Taxation Code, relating to property assessment tax appeals boards.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 1626 is added to the Revenue and Taxation Code, to read:

1626. The board of supervisors of any county which has created one or more assessment appeals boards may discontinue all of said boards effective on the first Monday in June, subject to any such board continuing to function until matters pending before it have been disposed of. If all of such boards have been discontinued, no new board or boards may be created to function prior to the next succeeding first Monday in June. Notwithstanding the foregoing, the board of supervisors of any such county may increase, or may decrease to not less than one, the number of such boards, effective from and after the next succeeding first Monday in June, provided that any board so discontinued shall continue to function until matters pending before it have been disposed of.

CHAPTER 564

An act to amend Section 21702 of the Vehicle Code, relating to the driving of vehicles.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 21702 of the Vehicle Code is amended to read:

21702. (a) No person shall drive upon any highway any vehicle designed or used for transporting persons for compensation for more than 10 consecutive hours nor for more than 10 hours spread over a total of 15 consecutive hours. Thereafter, such person shall not drive any such vehicle until eight consecutive hours have elapsed.

Regardless of aggregate driving time, no driver shall drive for more than 10 hours in any 24-hour period unless eight consecutive hours off duty have elapsed.

(b) No person shall drive upon any highway any vehicle designed or used for transporting merchandise, freight, materials or other property for more than 12 consecutive hours nor for more than 12 hours spread over a total of 15 consecutive hours. Thereafter, such person shall not drive any such vehicle until eight consecutive hours have elapsed.

Regardless of aggregate driving time, no driver shall drive for more than 12 hours in any 24-hour period unless eight consecutive hours off duty have elapsed.

(c) This section does not apply in any case of casualty or unavoidable accident or an act of God.

(d) In computing the number of hours under this section, any time spent by a person in driving such a vehicle outside this state shall, upon the vehicle entering this state, be included.

(e) Any person who violates any provision of this section is guilty of a misdemeanor and is punishable by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each offense.

(f) This section shall not apply to the driver of a vehicle which is subject to the provisions of Section 34500.

CHAPTER 565

An act to amend Section 12522 of the Vehicle Code, relating to schoolbus drivers.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 12522 of the Vehicle Code is amended to read:

12522. (a) Every person who operates a schoolbus in the transportation of school pupils shall, in addition to any other requirement for a schoolbus driver's certificate, qualify by an examination on first aid practices deemed necessary for schoolbus operators as determined and prescribed by the Department of Public Health after consultation with the Departments of Education, Motor Vehicles, and California Highway Patrol.

The local school authority employing the applicant shall provide a course of instruction concerning necessary first aid practices.

(b) The California Highway Patrol shall conduct the first aid examination as part of the examination of applicants for a schoolbus driver's certificate and shall certify to the Department of Motor Vehicles that the applicant has satisfactorily demonstrated his qualifications in first aid practices, knowledge of schoolbus laws and regulations, and ability to operate a schoolbus. The first aid certifications shall be valid for the term of the schoolbus driver's certificate.

(c) The first aid examination may be waived if the applicant holds a first aid certificate issued by the American Red Cross or United States Bureau of Mines that will remain valid throughout the term of the schoolbus driver's certificate.

(d) No person shall be denied a schoolbus driver's certificate if he is in the process of completing a first aid course which will satisfy the requirements of this section. If the course or examination given pursuant to this section is not satisfactorily completed within 90 days from the issuance of the certificate the certificate become invalid on the 91st day after the date of issuance.

CHAPTER 566

An act to amend Section 14206 and to repeal Sections 14206.5, 14207, 14207.5 and 14208 of the Elections Code, relating to polling places.

[Approved by Governor July 5, 1967 Filed with Secretary of State July 5, 1967]

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

SECTION 1. Section 14206 of the Elections Code is amended to read:

14206. All polls shall be open at 7 o'clock a.m. of the day of any election, including any primary election, and shall be kept open until 8 o'clock p.m. of the same day, when the polls shall be closed, except as provided in Section 14436.

SEC. 2. Section 14206.5 of the Elections Code is repealed.

SEC. 3. Section 14207 of the Elections Code is repealed.

SEC. 4. Section 14207.5 of the Elections Code is repealed.

SEC. 5. Section 14208 of the Elections Code is repealed.

CHAPTER 567

An act to repeal Section 23788 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 5, 1967. Filed with Secretary of State July 5, 1967.]

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

SECTION 1. Section 23788 of the Business and Professions Code is repealed.

CHAPTER 568

An act to add Section 25431.1 to the Education Code, relating to junior college district formation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 25431.1 is added to the Education Code, to read:

25431.1. Notwithstanding the provisions of this article to the contrary, any junior college district may be formed, and the State Board of Education shall approve any proposal to form the same, if all of the following conditions are met:

(a) The proposed district is in a county with a population of more than four million.

(b) The proposed district has an estimated potential average daily attendance during the fourth school year after the date the district is in existence for all purposes of 1,000 or more.

(c) The proposed district is approved by the county committee on school district organization and determined by the county committee to be isolated from the nearest existing junior college attendance center.

(d) The proposed district encompasses more than 300 square miles and includes at least one union high school district.

(e) The main population center of the proposed district is more than 15 miles from the nearest existing junior college attendance center.

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 such necessity are:

There is at least one area of the state where it is essential that a junior college be established to serve the needs of the people. This act will permit the formation of a junior college district in that area. In order that proceedings for the formation of junior college districts under this act may be commenced at once so that the districts may provide the essential educational program for the areas involved it is necessary that this act go into immediate effect.

CHAPTER 569

An act to amend Sections 20801, 20806, and 20843 and to repeal Section 20844 of the Business and Professions Code, relating to the sale of petroleum products.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 20801 of the Business and Professions Code is amended to read:

20801. Except as provided in this article, if any lubricating or motor oil sold, or offered for sale or delivery, has been previously used for the lubrication of internal combustion engines or any gearing or shafting attached to or connected thereto, or for any other lubricating purposes, or has been rerun, filtered, redistilled, reclaimed, or re-refined, the container shall disclose in a clear and conspicuous manner on each front or face panel, not obscured by other words or colors, and isolated from any other statement appearing on the panel by at least three-sixteenths of an inch, the phrase "made from used oil." The term "re-refined used oil" may be used in lieu of "made from used oil" only when the physical and chemical contaminants acquired through previous use of the oil so described have been removed by a refining process.

In addition to the disclosure required above on containers of used oil, such disclosure shall also appear clearly and conspicuously in all advertising and other sales promotional material used in connection with the sale of such oil, except that on advertising price signs such disclosure shall be on a horizontal plane and in lettering no smaller than that required by Section 20892(b) for the words "lubricating oil" or "motor oil".

The labeling and advertising for this product shall not contain any other words or statements which are contrary to or inconsistent with the foregoing, or which represent that the product is new or unused, or which are false and misleading in any material respects.

The above phrases required on the containers shall be in gothic type, and on containers of one gallon or less, the letters shall be not less than three-sixteenths of an inch in height,

with a stroke of not less than one-sixteenth of an inch. On containers of more than one gallon, the letters shall be not less than one-half of an inch in height with a stroke of not less than one-eighth of an inch.

SEC. 2. Section 20806 of the Business and Professions Code is amended to read:

20806. Every person who buys, sells, offers for sale, or who stores lubricating oil or motor oil which is required by Section 20801 to be labeled "made from used oil" or "re-refined used oil" shall make and keep for one year a separate record of each such purchase, sale or storage.

Said record shall include the name and address of the person from whom such oil was purchased or to whom such oil was sold, together with the date of such purchase or sale and the quantity thereof in terms of the United States gallon or a binary submultiple of the gallon.

All records required by this section shall be open at all times during business hours to inspection by an official authorized to enforce the provisions of this chapter. Refusal or failure to keep such records or to permit the inspection thereof is a misdemeanor.

The provisions of this section do not apply to the retail sale of such oil in quantities of five gallons or less to any one person.

SEC. 3. Section 20843 of the Business and Professions Code is amended to read:

20843. If lubricating or motor oil is reclaimed used oil, each sign or label required by this article shall also include the words, as required: "made from used oil" or "re-refined used oil." Such sign shall consist of red letters upon a white background. Letters of gothic type with a stroke of not less than one-sixteenth inch in width and not less than three-sixteenths inch in height shall be sufficient on all containers with a capacity of one gallon or less to meet the requirements of this article.

SEC. 4. Section 20844 of the Business and Professions Code is repealed.

CHAPTER 570

An act to amend Section 29321 of the Government Code, relating to county revolving funds.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 29321 of the Government Code is amended to read:

29321. The board of supervisors may establish a revolving fund for the use of any officer of the county by adopting a resolution setting forth: (a) the necessity for the fund, (b) the office, department, service, or institution for which the fund is available, and (c) the amount of the fund, which shall not exceed ten thousand dollars ($10,000) in counties having a population of less than 6,000,000 according to the latest federal census. In counties with a population of 6,000,000 or more, the revolving fund shall not exceed twenty-five thousand dollars ($25,000).

CHAPTER 571

An act to amend Section 21115 of the Education Code, relating to school district payroll procedure.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 21115 of the Education Code is amended to read:

21115. In any county, the county superintendent of schools, with the approval of the State Superintendent of Public Instruction, the county board of education and the county auditor, may prescribe a payroll procedure, to be followed by designated districts in the county, under which the school district governing boards, by use of payroll orders, shall authorize and direct the county superintendent of schools and the county auditor to draw separate payroll warrants in the names of the individual district employees for the respective amounts set forth therein to the end that each employee may be furnished with a statement of the amount earned and an itemization of the amounts withheld therefrom under requirements of the law or by direction of the employee.

Such payroll warrants shall show the closing date of the pay period for which issued and the date of issue and a statement that it is drawn by order of the governing board of the district and shall bear the signature of the county auditor.

To obtain the advantage of a uniform pay period and pay date within school districts, the payroll procedure may specify the ending date of the pay period and, notwithstanding Sections 13519, 13521, 13604 and 21114, the date of issue for payroll warrants, except that the issue date shall be on or before the 10th calendar day following the end of the pay period. The payroll procedure may provide for salary payments, including salary advances, more frequently than once a month.

The payroll procedure may provide for payroll orders authorizing salary payments to individual employees on a continuing basis until such time as notifications of changes or adjustments are submitted by the school districts, provided that an itemized listing of payments made under this procedure is furnished to the school district on or before the date of issue of the payroll warrants.

The payroll order may direct the transfer from the districts' funds to a clearing fund in the county treasury, to be known as the schools payroll revolving fund, of the total of the amount of the payroll warrants to be issued under the order to the end that payroll warrants for all districts may be drawn against a single revolving fund. The payroll order may further direct the transfer from the districts' funds of the totals of the various deductions set forth therein to the trust funds in the county treasury entitled to receive credit for them and may further direct the proper disbursement of such trust amounts.

CHAPTER 572

An act to amend Section 6886.1 of, and to add Section 6894.14 to, the Business and Professions Code, relating to collection agencies.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 6886.1 of the Business and Professions Code is amended to read:

6886.1. After a hearing the director may refuse to grant permission to take the collection agency examination, and to issue a qualification certificate if the applicant has:

(a) Committed or done any act which, if committed or done by a licensee, would be grounds for the suspension or revocation of a license.

(b) Committed or done any act involving dishonesty, fraud, or deceit whereby the applicant has been benefited or where some injury has been sustained by another.

(c) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or crime involving moral turpitude arising out of, or in connection with, or related to the activities of such person in such a manner as to demonstrate his unfitness to be or become a licensee, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to

withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation or information.

(d) Been convicted of illegally carrying or possessing a dangerous weapon.

(e) Been refused a license or registration under this chapter or had a license or registration revoked. The director shall not, however, refuse to grant permission to take the collection agency examination or refuse to issue a qualification certificate to an applicant on the ground specified in this subdivision if subsequent to the refusal or revocation referred to in this subdivision the director issued a license or certificate of registration to such applicant.

(f) Been an officer, director, partner or manager of any person who has been refused a license under this chapter or whose license has been revoked. The director shall not, however, refuse to grant permission to take the collection agency examination or refuse to issue a qualification certificate to an applicant on the ground specified in this subdivision if subsequent to the refusal or revocation referred to in this subdivision the director issued a license to the person referred to herein.

(g) Falsified or omitted any of the information submitted to the chief in support of an application under this chapter.

(h) Impersonated, or permitted or aided and abetted another to impersonate, a law enforcement officer or employee of the United States, a state, or any political subdivision thereof.

(i) Used a badge in connection with his employment, or made any statement in connection with his employment, with the intent to give an impression that he was a law enforcement officer of the United States, a state, or any political subdivision thereof, or used with intent to deceive the public, any uniform or insignia in connection with his employment likely to be confused with that of any law enforcement officer of the United States, a state, or any political subdivision thereof.

(j) A bad moral character, intemperate habits, or a bad reputation for truth, honesty and integrity.

(k) Been adjudicated as a bankrupt within two years preceding the time of filing the application.

(*l*) Been an officer, director, partner, or manager of any person who has been refused a license under Chapter 11 (commencing with Section 7500) of Division 3 of this code.

(m) Been refused a license or registration, or had a license or registration revoked under Chapter 11 (commencing with Section 7500) of Division 3 of this code.

Nothing contained in this section shall preclude the applicant from showing rehabilitation.

SEC. 2. Section 6894.14 is added to the Business and Professions Code, to read:

6894.14. (a) No person who is licensed as a repossessor under Chapter 11 (commencing with Section 7500) of Division 3 of this code shall be registered as an employee under

this chapter unless such person holds a collection agency license under this chapter. No person who is a registered employee of a repossessor licensed under Chapter 11 (commencing with Section 7500) of Division 3 of this code shall be registered as an employee under this chapter unless the repossessor by whom he is employed holds a collection agency license under this chapter.

(b) The registration of a person referred to in subdivision (a) of this section registered as an employee under this chapter on the effective date of this section shall be automatically revoked on the 90th day after such effective date unless the provisions of this section have been complied with as to such person on or before such 90th day.

CHAPTER 573

An act to add Section 5003.3 to the Public Resources Code, relating to state park camping.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 5003.3 is added to the Public Resources Code, to read:

5003.3. Domestic pets shall be permitted in state parks where overnight camping is provided in accordance with rules and regulations of the department, as approved by the director.

This section shall remain in effect until the 61st day after the final adjournment of the 1968 Regular Session of the Legislature, and shall have no force or effect after that date.

CHAPTER 574

An act to amend Section 10104 of the Streets and Highways Code, relating to municipal improvements.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 10104 of the Streets and Highways Code is amended to read:

10104. When any proceeding is initiated under this division by a legislative body other than that of a city or county, and before the resolution of intention is adopted, the proposed resolution, together with a plat or map which shall indicate by a boundary line the extent of territory

included in the proposed district, shall be submitted for approval of the legislative body of the city, where the land to be assessed lies within the corporate limits of any city, or of the county, where the land to be assessed lies within an unincorporated territory. When such approval has been secured, the resolution of intention may be adopted and the legislative body initiating the proceeding may thereafter take each and every step required for or suitable for the consummation of the work and the levying, collecting and enforcement of the assessments to cover the expenses thereof and the issuance and enforcement of bonds to represent unpaid assessments.

CHAPTER 575

An act to amend Sections 2, 31, and 34 of the Fresno Metropolitan Flood Control Act (Chapter 503, Statutes of 1955), relating to the Fresno Metropolitan Flood Control District.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 2 of the Fresno Metropolitan Flood Control Act (Chapter 503, Statutes of 1955) is amended to read:

Sec. 2. Said district shall consist of that territory in the County of Fresno, California, lying within exterior boundaries generally described as follows:

Commencing at the southeast corner of Section 24, Township 14 South, Range 20 East, Mount Diablo Base and Meridian;

Thence west along the south boundary of said Section 24 and the south boundary of Sections 23, 22 and 21 to the southwest corner of said Section 21;

Thence north along the west boundary of said Section 21 to the southeast corner of Section 17;

Thence west along the south boundary of Section 17 and the south boundary of Section 18 to the southwest corner of said Section 18;

Thence north along the west boundary of Section 18 and the west boundary of Sections 7 and 6, Township 14 South, Range 20 East, and the west boundary of Sections 31, 30, 19, 18, 7 and 6, Township 13 South, Range 20 East, Mount Diablo Base and Meridian, to the west quarter corner of said Section 6, which is the east quarter corner of Section 1, Township 13 South, Range 19 East;

Thence west along the east and west centerline of Section 1 to the west boundary of the east half of the east half of said Section 1;

Thence north along said west boundary of the east half of the east half of said Section 1 to the north boundary of said Section 1, which is the south boundary of Section 36, Township 12 South, Range 19 East, Mount Diablo Base and Meridian;

Thence east along the south boundary of said Section 36 to the south quarter corner of said Section 36;

Thence north along the north and south centerline of said Section 36 to the north boundary of the south half of the south half of said Section 36;

Thence east along said north boundary of the south half of the south half of said Section 36 and the north boundary of the south half of the south half of Section 31, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, to the centerline of Van Ness Avenue;

Thence south along said centerline of Van Ness Avenue to the north boundary of Section 6, Township 13 South, Range 20 East, Mount Diablo Base and Meridian;

Thence east along the north boundary of said Section 6 and the north boundary of Sections 5, 4, 3, 2 and 1, Township 13 South, Range 20 East, Mount Diablo Base and Meridian, to the northeast corner of said Section 1;

Thence south along the east boundary of said Section 1 to the southeast corner of said Section 1, which is the northwest corner of Section 7, Township 13 South, Range 21 East, Mount Diablo Base and Meridian;

Thence east along the north boundary of said Section 7 to the north quarter corner of said Section 7;

Thence south along the north and south centerline of said Section 7 to the south boundary of said Section 7, which is the north boundary of Section 18, Township 13 South, Range 21 East, Mount Diablo Base and Meridian;

Thence east along said north boundary of said Section 18 and the north boundary of Section 17, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, to the intersection with the westerly boundary of the right-of-way of the Helm Canal;

Thence southerly and easterly along said right-of-way of the Helm Canal to the intersection with a line parallel with and 50 feet west of the east boundary of said Section 17;

Thence south along said line parallel with and 50 feet west of the east boundary of said Section 17 to the centerline of the right-of-way of the Gould Canal;

Thence easterly and southerly along said centerline of the right-of-way of said Gould Canal across said Section 17 and across Sections 16 and 21, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, to the east boundary of said Section 21;

Thence south along said east boundary of said Section 21 to the southeast corner of said Section 21;

Thence west along the south boundary of said Section 21 and the south boundary of Section 20, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, to the intersection with a line parallel with and 30 feet west of the east boundary of said Section 20;

Thence south along said line parallel with and 30 feet west of the east boundary of said Section 20 and Sections 29 and 32, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, to the intersection with the south boundary of the northeast quarter of the northeast quarter of said Section 32; thence south 4° 32′ west a distance of 381.2 feet to a point 60 feet west of the east boundary of said Section 32;

Thence south along a line parallel with and 60 feet west from the east boundary of said Section 32, to a point 225 feet north from the south boundary of the northeast quarter of said Section 32; thence south 10° 05′ east a distance of 228.5 feet to a point on the south boundary of the northeast quarter of said Section 32, 20 feet west of the east one quarter corner of said Section 32;

Thence south along a line parallel with and 20 feet west of the east boundary of said Section 32 in Township 13 South, Range 21 East, and Section 5 in Township 14 South, Range 21 East, to the south boundary of the northeast quarter of the northeast quarter of said Section 5;

Thence east 20 feet to the east boundary of said Section 5;

Thence south along the east boundary of said Section 5 to the intersection with the centerline of the right-of-way of the Fancher Creek Canal;

Thence southwesterly along the centerline of said right-of-way across said Section 5 and across Section 8, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, to the intersection with the northerly boundary of the Southern Pacific Railroad Company right-of-way;

Thence westerly along the northerly boundary of said right-of-way across said Section 8 and across Section 7, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, to the intersection with the north and south centerline of said Section 7;

Thence south along said north and south centerline of said Section 7 to the south quarter corner of said Section 7;

Thence west along the south boundary of said Section 7 to the southwest corner of said Section 7, which is the northeast corner of Section 13, Township 14 South, Range 20 East, Mount Diablo Base and Meridian;

Thence south along the east boundary of said Section 13 and the east boundary of Section 24, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, to the southeast corner of said Section 24, the point of beginning.

SEC. 2. Section 31 of the Fresno Metropolitan Flood Control Act (Chapter 503, Statutes of 1955) is amended to read:

Sec. 31. Any tract of land may be annexed to the district if the land will be benefited, and any tract of land within the district may be excluded if not benefited, pursuant to this section. Such land so annexed need not be contiguous if such annexed land contains not less than 20 acres of privately owned land, or if such annexed land is owned by the district.

The board of directors of the district may initiate annexation or exclusion proceedings by the adoption of a resolution of intention, or such action may be commenced by the filing of a petition.

SEC. 3. Section 34 of the Fresno Metropolitan Flood Control Act (Chapter 503, Statutes of 1955) is amended to read:

Sec. 34. Upon filing of the petition, or upon initiation of annexation or exclusion proceedings by the board, the board shall fix a time and place for a hearing, which hearing shall be not less than 30 days subsequent to such filing or to the adoption of such resolution of intention, and shall cause notice of such filing, or adoption of resolution of intention, and of the time and place of the hearing, to be published by publication of notice thereof not less than once a week for three weeks in a newspaper of general circulation, printed and published within the district.

At least 20 days before the date set for the hearing, the secretary of the board of directors shall mail said notice, postage prepaid, to all persons owning real property within the boundaries of the land proposed to be annexed or excluded whose names and addresses appear on the last equalized assessment roll or who are known to the secretary. The failure of the secretary 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 the annexation or exclusion proceeding.

CHAPTER 576

An act to amend Section 407 of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 407 of the Code of Civil Procedure is amended to read:

407. The summons must be directed to the defendant, signed by the clerk or judge, and issued under the seal of the court. It must contain:

1. The title of the court in which the action is brought, the name of the county in which the complaint is filed and, in municipal and justice courts, the name of the judicial district in which such court is established;

2. The names of the parties to the action;

3. A direction that the defendant file with the clerk of the court in which the action is brought a written pleading in response to the complaint within 10 days, if the summons is served within the county in which the action is brought, or within 30 days, if served elsewhere, except that if the action is against the state pursuant to Section 738.5 of this code, within 180 days;

4. A notice, that unless the defendant so files a written responsive pleading, the plaintiff will take judgment for any money or damages demanded in the complaint as arising upon contract, or will apply to the court for any other relief demanded in the complaint;

5. The following statement in boldface type:

You may seek the advice of an attorney on any matter connected with the complaint or this summons. Such attorney should be consulted within the time limit stated in this summons for filing a written pleading to the complaint.

CHAPTER 577

An act to amend Section 1716.1 of the Revenue and Taxation Code, relating to appraisal commissions.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 1716.1 of the Revenue and Taxation Code is amended to read:

1716.1. The Board of Equalization may establish an appraisal commission in any county if the information obtained by the board under Section 1815 shows that the ratio of assessed value to full cash value of 50 percent of the sample properties deviates from the county's average ratio for the year by more than 20 percent. Commencing with the 1968–1969 assessment year, the cost of the appraisal commission shall be a charge upon the county.

CHAPTER 578

An act to amend Section 13656 of the Education Code, relating to school employees.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 13656 of the Education Code is amended to read:

13656. All employees a part of the classified service shall be entitled to the following paid holidays provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday: January 1, February 12, February 22, May 30, July 4, the first Monday in September, September 9, November 11, December 25, every day appointed by the President, or the Governor of this state, as provided for in subsections (b) and (c) of Section 5201 for a public fast, thanksgiving or holiday, or any day declared a holiday under Section 5202 of this code in which the board specifies it shall be a holiday for classified or certificated employees.

Regular employees of the district who are not normally assigned to duty during the school holidays of December 25 and January 1 shall be paid for those two holidays provided that they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

When a holiday herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When any classified employee is required to work on any of said holidays, he shall be paid compensation, or given compensating time off, for such work at a rate not less than his normal rate of pay in addition to the regular pay received for the holiday. For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensating time off or other paid leave of absence shall be considered as time worked by the employee.

The provisions of Article 3, Chapter 2, Division 6, shall not be construed to in any way limit the provisions of this section, nor shall anything in this section be construed to prohibit the governing board from providing holiday pay for employees who have not been in paid status on the days specified herein.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

CHAPTER 579

An act to add Chapter 3 (commencing with Section 34600) to Part 2 of Division 24 of the Health and Safety Code, relating to housing authorities.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Chapter 3 (commencing with Section 34600) is added to Part 2 of Division 24 of the Health and Safety Code, to read:

CHAPTER 3. HOUSING OPERATIONS LAW

34600. This chapter may be cited as the Housing Operations Law.

34601. The definition and general provisions contained in Sections 34602 to 34606, both inclusive, govern the construction of this chapter, unless the context otherwise requires.

34602. "Owner" means any nonprofit corporation, limited distribution mortgagor, mutual housing corporation, or cooperative or any legal entity or body which is qualified for mortgage insurance or direct loans by the federal government in the financing of any housing program wherein owners' profits are controlled or eliminated by the terms of agreement with the federal government.

34603. "Federal government" means the United States or any agency or instrumentality, corporate or otherwise, of the United States of America.

34604. "Local housing authority" means a housing authority created pursuant to Chapter 1 (commencing with Section 34200), Part 2, Division 24 of this code.

34605. "Housing facility" means any dwelling made available with financing provided through mortgage insurance, direct loan programs, or grants by the federal government.

"Housing facility" includes management and maintenance space and other nondwelling space or facilities necessary for the operation of the housing facility.

34606. Owners may enter into contracts with local housing authorities whereby the housing authority may provide services to the owners on a nonprofit basis for the planning, management, and operations of housing facilities.

CHAPTER 580

An act to amend Section 5788.10 of the Public Resources Code, relating to tax rates.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 5788.10 of the Public Resources Code is amended to read:

5788.10. The maximum tax levied by the district upon property within a zone shall not exceed a rate of ten cents ($0.10) on each one hundred dollars ($100) of assessed valuation in addition to the tax allowed pursuant to Section 5784.5 or Section 5784.6.

CHAPTER 581

An act to amend Section 1420 of the Insurance Code, relating to insurance.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 1420 of the Insurance Code is amended to read:

1420. Savings or credits may be returned to the subscribers irrespective of the source from which such savings or credits accrue whenever such returns do not constitute an impairment of the assets or reserves required to be maintained.

CHAPTER 582

An act to amend Section 53608 of the Government Code, relating to deposit of securities by local agencies.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 53608 of the Government Code is amended to read:

53608. The legislative body of a local agency may deposit for safekeeping with a trust company or a state or national bank located within this state or with the Federal Reserve Bank of San Francisco or any branch thereof within this state, or with any Federal Reserve bank or with any state or national

bank located in any city designated as a reserve city by the Board of Governors of the Federal Reserve System, the bonds, notes, bills, debentures, obligations, certificates of indebtedness, warrants or other evidences of indebtedness in which the money of the local agency is invested pursuant to this article or pursuant to other legislative authority. The local agency shall take from such bank or trust company a receipt for securities so deposited. The authority of the legislative body to deposit for safekeeping may be delegated by the legislative body to the treasurer of the local agency; the treasurer shall not be responsible for securities delivered to and receipted for by a bank or trust company until they are withdrawn from the bank or trust company by the treasurer.

CHAPTER 583

An act to amend Section 30951 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to dog licensing.

[Approved by Governor July 7, 1967 Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 30951 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

30951. It is unlawful for any person to own, harbor, or keep any dog over the age of four months, or to permit such a dog which is owned, harbored, or controlled by him to run at large, unless the dog has attached to its neck or leg a substantial collar on which one of the following is fastened:

(a) A metallic tag which gives the name and post office address of the owner.

(b) A metal license tag which is issued by the authority of a county, city and county, or any municipal corporation for the purpose of identifying the dog and designating the owner.

CHAPTER 584

An act to amend Section 5020 of the Financial Code, relating to savings and loan associations.

[Approved by Governor July 7, 1967 Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 5020 of the Financial Code is amended to read:

5020. Any person who willfully and knowingly makes, circulates, or transmits to another or others any statement or rumor, written, printed, or by word of mouth, which is untrue in fact and is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of any association doing business in this state or of any federal savings and loan association, or who knowingly counsels, aids, procures, or induces another to start, transmit, or circulate any such statement or rumor, is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000), or by imprisonment for not more than one year, or both.

CHAPTER 585

An act to amend Section 34301 of, and to add Sections 35731.5 and 35837.5 to, the Government Code, relating to cities.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 34301 of the Government Code is amended to read:

34301. "Qualified signer," as used in this chapter, means the owner of an interest in fee, whether community or otherwise, of land situated within the limits of the city proposed to be incorporated, except where such land is subject to a written agreement to buy, in which event the purchaser or any one or more of the purchasers under such written agreement shall be deemed the "qualified signer." In the case of a corporate owner of an interest in fee, "qualified signer" means an officer of the corporation duly authorized, by the bylaws or resolution of the board of directors of such corporation, to act for and on behalf of the corporation.

SEC. 2. Section 35731.5 is added to the Government Code, to read:

35731.5. Notwithstanding the provisions of Section 35731, upon the assent of the majority of the members of the legislative bodies of each of the cities, the consolidated city may be governed in the name of an initiating city or a new name may be given to the consolidated city.

SEC. 3. Section 35837.5 is added to the Government Code, to read:

35837.5. Notwithstanding the provisions of Sections 35836 and 35837, upon the assent of the majority of the legislative bodies of each of the cities, the consolidated city may be governed in the name of an initiating city or a new name may be given to the consolidated city.

CHAPTER 586

An act to amend Sections 21050, 21200, and 21201 of, and to add Section 467 to, the Vehicle Code, relating to bicycles.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 467 is added to the Vehicle Code, to read:

467. A pedestrian is any person who is afoot or who is using a means of conveyance propelled by human power other than a bicycle.

SEC. 2. Section 21050 of the Vehicle Code is amended to read:

21050. Every person riding or driving an animal upon a highway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this division and Division 10 (commencing with Section 20000), except those provisions which by their very nature can have no application.

SEC. 3. Section 21200 of the Vehicle Code is amended to read:

21200. Every person riding a bicycle upon a roadway has all the rights and is subject to all the duties applicable to the driver of a vehicle by this division and Division 10 (commencing with Section 20000), except those provisions which by their very nature can have no application.

A bicycle is a device upon which any person may ride, propelled by human power through a belt, chain or gears, and having either two or three wheels in a tandem or tricycle arrangement.

SEC. 4. Section 21201 of the Vehicle Code is amended to read:

21201. (a) No person shall operate a bicycle on a roadway unless it is equipped with a brake which will enable the operator to make one braked wheel skid on dry, level, clean pavement.

(b) No person shall operate on the highway any bicycle equipped with handlebars so raised that the operator must elevate his hands above the level of his shoulders in order to grasp the normal steering grip area.

(c) No person shall operate upon any highway a bicycle which has been modified or altered in such a way as to cause the pedal in its lowermost position to be more than 12 inches above the ground.

(d) Every bicycle operated upon any highway during darkness shall be equipped with a lamp emitting a white light

visible from a distance of 300 feet in front of the bicycle and with a red reflector on the rear of a type approved by the department which shall be visible from a distance of 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from 300 feet to the rear may be used in addition to the red reflector.

CHAPTER 587

An act to amend Sections 453, 457, 458 and 465 of the Military and Veterans Code, relating to courts-martial.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 453 of the Military and Veterans Code is amended to read:

453. Special courts-martial may be appointed by the commanding officer of a district, garrison, fort, post, camp, station, or other place where troops are on duty, division, brigade, regiment, detached battalion, or other detached command or corresponding unit of Army or Air Force, and by the commanding officer of any group of detached units placed under a single commander for this purpose. Such courts-martial may also be appointed by superior authority when by the latter deemed desirable. When any such commanding officer is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior authority. Special courts-martial may be composed of either one officer who shall be a field grade officer of the rank of major, lieutenant colonel or colonel or three or more members as provided for in the Uniform Code of Military Justice and the rules and regulations published thereunder. After final action by the reviewing authority the record of the trial by special courts-martial shall be filed in the office of the Adjutant General.

SEC. 2. Section 457 of the Military and Veterans Code is amended to read:

457. Special courts-martial have power:

(a) To try:

(1) Officers, warrant officers and enlisted men of the National Guard.

(2) Officers, warrant officers and enlisted men of the unorganized militia whenever they are called out for service with the state.

(b) To adjudge:

(1) In the case of a one-officer special courts-martial:

(a) Fine not exceeding seventy-five dollars ($75).

(b) Confinement not exceeding 75 days.

(c) Fine and confinement, the total of the number of dollars of fine and the number of days of confinement not to exceed 75.

(d) Reduction to the ranks in the case of enlisted personnel of the fourth enlisted pay grade or below. Reduction to next inferior grade in the case of enlisted personnel above the fourth enlisted pay grade.

(e) Forfeiture of pay and allowances.

(2) In the case of a special courts-martial composed of three or more members:

(a) Dismissal, in case of a warrant officer.

(b) Dishonorable discharge, in the case of an enlisted man.

(c) Reduction to the ranks, in the case of enlisted personnel of the fourth enlisted pay grade or below. Reduction to next inferior grade in the case of enlisted personnel above the fourth enlisted pay grade.

(d) Forfeiture of pay and allowances.

(e) Fine not exceeding one hundred dollars ($100).

(f) Confinement not exceeding 100 days.

(g) Fine and confinement, the total of the number of dollars of fine and the number of days of confinement not to exceed 100.

(h) Reprimand.

SEC. 3. Section 458 of the Military and Veterans Code is amended to read:

458. Summary courts-martial have power:

(a) To try enlisted men of the National Guard unless they object thereto.

(b) To adjudge:

(1) Reduction to the ranks in the case of enlisted personnel of the fourth enlisted pay grade or below. Reduction to next inferior grade in the case of enlisted personnel above the fourth enlisted pay grade.

(2) Forfeiture of pay and allowances.

(3) Fine not exceeding twenty-five dollars ($25).

(4) Confinement not exceeding 25 days.

(5) Fine and confinement, the total of the number of dollars of fine and number of days of confinement not to exceed 25.

SEC. 4. Section 465 of the Military and Veterans Code is amended to read:

465. Presidents of courts-martial, one-officer special courts-martial, and summary court officers shall have power to issue warrants to arrest an accused person and to bring him before the court for trial. A court shall be ordered for his trial within the time similarly prescribed by the rules and regulations of the United States Army. If a copy of the charges and specifications is not served, or a court is not ordered within the time herein limited, the arrest shall cease, but such charges and

specifications may be served, a court ordered, and the officer or enlisted man be brought to trial after such release from arrest within the time prescribed by the rules and regulations of the United States Army in similar circumstances. The appearance of the accused, without objection and pleading to the charges, shall be a waiver of any defect or irregularity of such service of any of the papers mentioned in this section.

CHAPTER 588

An act to amend Section 496a of the Penal Code, relating to receipt of materials used by public utilities.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 496a of the Penal Code is amended to read:

496a. (a) Every person who, being a dealer in or collector of junk, metals or secondhand materials, or the agent, employee, or representative of such dealer or collector, buys or receives any wire, cable, copper, lead, solder, mercury, iron or brass which he knows or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water or electric light company or county, city, city and county or other political subdivision of this state engaged in furnishing public utility service without using due diligence to ascertain that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving such property, and is punishable, by imprisonment in a state prison for not more than five years, or in a county jail for not more than one year, or by a fine of not more than two hundred fifty dollars ($250), or by both such fine and imprisonment.

(b) Any person buying or receiving material pursuant to subdivision (a) shall obtain evidence of his identity from the seller including, but not limited to, such person's full name, signature, address, driver's license number, vehicle license number, and the license number of the vehicle delivering the material.

The record of the transaction shall include an appropriate description of the material purchased and such record shall be maintained pursuant to Section 21607 of the Business and Professions Code.

CHAPTER 589

An act to amend Section 31592.2 of the Government Code, relating to the county employees' retirement system.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 31592.2 of the Government Code is amended to read:

31592.2. In any county in which Section 31676.1 applies, earnings of the retirement fund during any year in excess of the total interest credited to contributions and reserves during such year shall remain in the fund as a reserve against deficiencies in interest earnings in other years, losses on investments, and other contingencies, except that when such surplus exceeds 1 percent of the total assets of the retirement system, the board may transfer all or any part of such surplus in excess of 1 percent of the said total assets into county advance reserves.

Where the board of supervisors has provided for the payment of all or a portion of the premiums, dues, or other charges for health benefits, medicare or the payment of accrued sick leave at retirement to or for officers, employees and retired employees, from the county general fund, the board of retirement may authorize the payment of all or a portion of such payments from the said advance reserves.

CHAPTER 590

An act to amend Section 61800 of the Government Code, relating to annexation by community services districts.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 61800 of the Government Code is amended to read:

61800. Contiguous land not a part of the district which consists of any unincorporated territory may be annexed to the district. Contiguous land not a part of the district which consists of any incorporated territory may be annexed to the district with the consent of the affected city. The consent shall be by resolution of the city council adopted prior to the resolution of the district board of directors initiating annexation proceedings pursuant to Section 56310.

CHAPTER 591

An act to add Section 61626.7 to the Government Code, relating to community services districts.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 61626.7 is added to the Government Code, to read:

61626.7. Where the boundaries of the district include any territory which is also included within the boundaries of an incorporated city, and where the services regularly provided by the district duplicate services regularly provided by the city, the district by a resolution adopted by a majority vote of the governing board may provide the following:

(1) That the district shall refrain from providing, within such incorporated territory, enumerated services which duplicate services provided by the city.

(2) That the district shall establish a special tax zone including such incorporated territory, and will levy therein a lower tax rate than is levied within the remainder of the district, to reflect the provision of fewer services by the district within such incorporated territory.

CHAPTER 592

An act to amend Sections 31673 and 31674 of, and to repeal Article 4 (commencing with Section 30560), Chapter 1, Part 3, Division 12 of, Sections 30583, 31323, and 31324 of, and to repeal Chapter 3 (commencing with Section 31730), Part 7, Division 12 of, the Water Code, relating to county water districts.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Article 4 (commencing with Section 30560), Chapter 1, Part 3, Division 12 of the Water Code is repealed.

SEC. 2. Section 30583 of the Water Code is repealed.

SEC. 3. Section 31323 of the Water Code is repealed.

SEC. 4. Section 31324 of the Water Code is repealed.

SEC. 5. Section 31673 of the Water Code is amended to read:

31673. A certified copy of the ordinance or resolution determining that any land is entitled to a special rate of taxation shall be delivered to the county assessor, and thereafter

until notified of a change in the determination, he shall enter the land described in the ordinance or resolution separately on the assessment roll and so designate it and the percentage of the regular rate of taxation to which it is entitled that it may readily be distinguished from other land not entitled to a special rate.

SEC. 6. Section 31674 of the Water Code is amended to read:

31674. After a copy of the ordinance or resolution is delivered to the county assessor, the officer charged with the duty of entering on the assessment roll the amount of district taxes on the land shall in making the entry observe and conform to the ordinance or resolution.

SEC. 7. Chapter 3 (commencing with Section 31730), Part 7, Division 12 of the Water Code is repealed.

SEC. 8. Notwithstanding the provisions of this act, any district which, on the effective date of this act, is assessing, levying, or collecting its own taxes, pursuant to Chapter 3 (commencing with Section 31730), Part 7, Division 12 of the Water Code, may continue to do so, pursuant to the provisions of said chapter and other provisions of the County Water District Law as they read prior to their repeal or amendment by this act.

CHAPTER 593

An act to amend Section 40509 of the Vehicle Code, relating to traffic offense procedure.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 40509 of the Vehicle Code is amended to read:

40509. (a) Whenever any person has for a period of 15 or more days willfully violated his written promise to appear in court or before the person authorized to receive a deposit of bail, the magistrate or clerk of the court before whom the defendant so promised to appear shall give notice of such fact to the department not more than 60 days after issuance of the warrant. Whenever thereafter the case in which such promise was given is adjudicated the magistrate or clerk of the court hearing the case shall file with the department a certificate showing that the case has been adjudicated.

(b) Whenever any person has for a period of 15 or more days willfully failed to pay a lawfully imposed fine for a violation of any provision of Division 11 (commencing with

Section 21000) of this code within the time authorized by the court, the magistrate or clerk of such court shall give notice of such fact to the department after the issuance of a warrant, and after it has been determined that service of such warrant cannot be had. Whenever thereafter the fine is fully paid, the magistrate or clerk of such court shall file with the department a certificate showing that the fine has been paid.

CHAPTER 594

An act to add Section 25804 to the Vehicle Code, relating to lighting equipment.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 25804 is added to the Vehicle Code, to read:

25804. Notwithstanding any other provision of this code, original lighting equipment installed on a vehicle manufactured prior to January 1, 1940, need not be of an approved type when the vehicle is used primarily for the purpose of historical exhibition or other similar purpose.

CHAPTER 595

An act to amend Sections 95030, 95400, 95402, 96900, 96901, and 96902 of, to add Section 95035 to, and to repeal Sections 96903, 96904, and 96905 of, the Public Utilities Code, relating to the Santa Barbara Metropolitan Transit District.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 95030 of the Public Utilities Code is amended to read:

95030. It is necessary that a transit district be established in the Santa Barbara metropolitan area which includes the City of Santa Barbara and adjacent territory, including but not limited to the Carpinteria, Summerland, Montecito and Goleta areas, all situated in Santa Barbara County, in order to meet the public transit problem of the area. The geographic location of the city in relation to the adjacent territory requiring transportation services makes it necessary to develop a single transit system to protect the public interest and welfare.

SEC. 2. Section 95035 is added to the Public Utilities Code, to read:

95035. The boundaries of the district shall not be affected by reason of the incorporation of any territory wholly or partly within the boundaries of the district, or by reason of annexation to or detachment from any city of territory wholly or partly within the boundaries of the district, except as provided in this part.

Where territory outside the district is annexed to any city included in the district, said territory shall, upon the completion of such annexation proceeding, be deemed incorporated into and annexed to the district; provided that, where territory which is incorporated as a new city is partly within and partly outside the district, that territory which is outside the district shall, upon the completion of such incorporation proceeding, be deemed incorporated into and annexed to the district; and provided further that no incorporated city now lying entirely outside the boundaries of the district shall be included within the district without the consent of the legislative body of said city, and any territory annexed by such city, if such annexed territory is then within the district, shall be automatically excluded from the district, unless the legislative body of the city shall otherwise declare in its ordinance of annexation.

Whenever territory is deemed incorporated into and annexed to the district pursuant to this section, such territory shall be subject to taxation, in accordance with the assessable valuation of the property thereof, for general district purposes and for the payment of any indebtedness theretofore or thereafter incurred by the district.

SEC. 3. Section 95400 of the Public Utilities Code is amended to read:

95400. The government of the district shall be vested in a board of five members. Two of the directors shall be appointed by the Board of Supervisors of the County of Santa Barbara. Two of the directors shall be appointed by the City Council of the City of Santa Barbara. The four directors so appointed shall choose and appoint the fifth director. The board shall elect its chairman, and a majority vote is necessary for the election of the chairman of the board.

SEC. 4. Section 95402 of the Public Utilities Code is amended to read:

95402. Any vacancy on the board, including any caused by the death or resignation of a member, shall be filled by the body which appointed the director whose office is vacated and the new appointee shall hold his office for the unexpired term.

Any vacancy created by the expiration of a term shall likewise be filled by the body which appointed the director whose term has expired.

SEC. 5. Section 96900 of the Public Utilities Code is amended to read:

96900. Territory within the district may be detached from the district by a four-fifths vote of the board of directors.

SEC. 6. Section 96901 of the Public Utilities Code is amended to read:

96901. The detachment of territory from the district shall become effective upon giving of the notice required in Section 96902, provided that the detached territory shall not be relieved from liability for taxation for the payment of any bonded indebtedness existing at the time of detachment.

SEC. 7. Section 96902 of the Public Utilities Code is amended to read:

96902. Notice of detachment of territory from the district shall be given to each assessor whose roll is used for the tax levy made pursuant to this part and with the State Board of Equalization pursuant to Government Code Sections 54900 et seq.

SEC. 8. Section 96903 of the Public Utilities Code is repealed.

SEC. 9. Section 96904 of the Public Utilities Code is repealed.

SEC. 10. Section 96905 of the Public Utilities Code is repealed.

CHAPTER 596

An act to amend Section 6555 of the Streets and Highways Code, relating to special assessments.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 6555 of the Streets and Highways Code is amended to read:

6555. The deed of the treasurer, when duly acknowledged or proved, is primary evidence of the regularity of all proceedings theretofore had, and conveys to the grantee the absolute title to the lands described therein, as of the date of the expiration of the period for redemption, free of all encumbrances, except the lien for state, county and municipal taxes and except the lien of any special assessment or assessments the lien date of which is prior in time to the lien date of the assessment for which the deed is issued.

If the treasurer of another city, as city is defined by Section 5005, has issued subordinate bonds, as defined by Section 5373, against the same property upon which the treasurer's deed was issued, then the treasurer of the other city shall cancel the subordinate bonds and enter upon the bond register the notation "canceled by foreclosure of prior lien," provided that he is notified of the issuance of the deed by the owner of the deed.

If the superintendent of streets of another city, as city is defined in Section 5005, has issued subordinate assessments, as defined by Section 5373, against the same property upon which such treasurer's deed was issued, then the superintendent of streets shall cancel the subordinate assessments and enter upon the assessment roll the notation "canceled by foreclosure of prior lien," provided that he is notified of the issuance of the deed by the owner of the deed.

If the treasurer has issued subordinate bonds, as defined by Section 5373, against the same property upon which the treasurer's deed is issued, then the treasurer shall cancel the subordinate bonds, and enter upon the bond register the notation "canceled by foreclosure of prior lien." If the superintendent of streets has issued subordinate assessments, as defined by Section 5373, against the same property upon which such treasurer's deed is issued, then the superintendent of streets shall cancel the subordinate assessments and enter upon the assessment roll the notation "canceled by foreclosure of prior lien," provided that he is notified of the issuance of the treasurer's deed by either the treasurer or the owner of the deed.

CHAPTER 597

An act to add Section 6467 to, and to repeal Section 5302.6 of, the Streets and Highways Code, relating to assessments against public property.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 6467 is added to the Streets and Highways Code, to read:

6467. In the event there are unpaid assessments levied against public property which are payable as provided in Section 5302.5 of this code, the treasurer shall, simultaneously with the issuance of bonds, issue certificates representing assessments against public property. A separate certificate shall be issued to represent each assessment against public property. The certificates will provide for payment thereof as provided in Section 5302.5, and each certificate shall read substantially as follows:

UNITED STATES OF AMERICA
State of California County of _____

(assessment & diagram nbr.) (amount)

CERTIFICATE OF OWNERSHIP OF ASSESSMENT
AGAINST PUBLIC PROPERTY

Pursuant to the provisions of Sections 5301 and 5302.5 of Division 7, Part 3, Chapter 13 of the Streets and Highways Code of the State of California, (Improvement Act of 1911), and pursuant to proceedings taken by the _____ of the _____, County of _____, State of California, under the provisions of Division _____, of the Streets and Highways Code, the undersigned treasurer of _____ does hereby certify as follows:

1. The _____ of _____ by Resolution of Intention No. _____, passed on the _____ day of _____, 19___, and proceedings subsequent thereto, levied an assessment against property owned by _____ in the sum of _____ dollars ($_____).

2. Said assessment was levied on the _____ day of _____, 19___; notice thereof was recorded in the office of the County Recorder of the County of _____, on the _____ day of _____, 19___.

3. Said assessment was levied in an assessment district known and described as "_____."

4. The assessment number, on the assessment diagram and in the assessment roll in said assessment district proceedings, of said property is _____, and the property designated as assessment number _____ and which belongs to _____ is described as follows:

(insert description)

5. Said assessment is payable in not more than five (5) annual installments dating from _____, 19___, and interest will be added to the unpaid balance at the rate of _____ percent (_____%) per annum until paid.

6. The officer or board whose duty it is to levy taxes on behalf of the owner of said property hereinabove described, is obligated to include in the next tax levy an amount, in addition to moneys for all other purposes, sufficient to pay one-fifth (1/5th) or more of the principal of said assessment with interest on the unpaid principal of the assessment to date of payment and is obligated to include in each succeeding tax levy a like one-fifth (1/5th) amount or more in addition to moneys for all other purposes until the principal of said assessment and all interest on the unpaid portions thereof shall be paid. Said tax levy shall be made notwithstanding that said tax levy exceeds the maximum tax rate that may otherwise be imposed by law.

7. In the event that the officer or board whose duty it is to levy taxes fails to provide for a tax levy to pay and discharge the principal of the assessment and the interest thereon, the owner of the assessment may compel the levy thereof in the manner hereinabove set forth by writ of man-

date. No statute of limitations shall bar any right provided for herein to enforce the collection of this assessment and any interest due thereon until 12 years after the date of the recording of the assessment.

8. The owner of the assessment described herein may use mandamus or other appropriate remedy to compel the officer or board whose duty it is to levy taxes for said obligated owner to levy an amount in a given year equal to one-fifth ($\frac{1}{5}$th) of said assessment and interest on the unpaid portion thereof and may continue to use mandamus or other remedy to cause a like one-fifth ($\frac{1}{5}$th) amount and interest to be levied each year until the whole of said assessment and all interest due has been paid.

9. If an owner of an assessment is successful in any action to compel the levy of a tax under this certificate he shall be awarded reasonable attorneys' fees as fixed by the court and costs and said attorneys' fees and costs shall be included in the tax levied to pay the same.

10. This certificate is payable to bearer. Upon payment in full it shall be surrendered to the _____ treasurer for cancellation.

11. No payment shall be made without presentation of this certificate. The treasurer shall endorse on the back hereof the payments of all principal and interest.

In witness whereof, said _____ has caused this certificate to be signed by its treasurer and has caused its clerk to affix thereto its corporate seal all on the _____ day of _____, 19___.

_____
Treasurer

SEC. 2. Section 5302.6 of the Streets and Highway Code is repealed.

CHAPTER 598

An act to amend Section 31787.5 of the Government Code, relating to the County Employees Retirement Act of 1937.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 31787.5 of the Government Code is amended to read:

31787.5. A surviving spouse of a member who is killed in the performance of his duty or who dies as the result of an accident or an injury caused by external violence or physical force incurred in the performance of his duty, now or hereafter entitled to receive a death allowance under Section 31787 shall be paid an additional amount for each of the

member's children during the lifetime of the child, or until the child marries or reaches the age of 18 years, as follows:

(a) For one child, twenty-five percent (25%) of the allowance provided in Section 31787.

(b) For two children, forty percent (40%) of the allowance provided in Section 31787.

(c) Three or more children, fifty percent (50%) of the allowance provided in Section 31787.

In the event the surviving spouse does not have custody of the member's children, the allowance provided by this section shall be payable to the person having custody of the children for each child during the lifetime of the child, or until the child marries or reaches the age of 18.

The allowance provided by this section shall be payable to the surviving spouses of members whose duties consist of active law enforcement or active fire suppression or such other class or group of members as the retirement board shall fix.

Any child whose eligibility for an allowance pursuant to this section commenced on or after October 1, 1965, shall lose that eligibility effective on the date of his adoption.

This section shall become operative in any county, which has adopted the provisions of this chapter but which has not previously adopted the provisions of this section on October 1, 1965. Each surviving spouse of a member or other person having custody of a member's child or children who is paid an additional amount for each of the member's children because of the amendments to this section enacted at the 1965 or 1967 Regular Session shall receive such payments as they accrue from and after October 1 of the year during which this section was amended to provide for the payment to him of such allowance, but such surviving spouse or other person shall not be given a claim for any increase in such benefits for a time prior to such date.

CHAPTER 599

An act to add Section 10201.1 to, and to amend Section 10204 and 10204.1 of, the Streets and Highways Code, relating to municipal improvements, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 10201.1 is added to the Streets and Highways Code, to read:

10201.1. As used in the chapter, "private utility damages" means the amount to which any private utility might be entitled by virtue of Chapter 8.5 (commencing with Section 1501) of Part 1 of Division 1 of the Public Utilities Code on account of the construction of the proposed improvement.

In the resolution of intention, the legislative body, in its discretion, may order that private utility damages be included in the assessment.

SEC. 2. Section 10204 of the Streets and Highways Code is amended to read:

10204. The report of the person or board to whom the improvement is referred by the legislative body shall contain:

(a) Plans and specifications of the proposed improvement if the improvement is not already installed.

(b) A general description of works or appliances already installed and any other property necessary or convenient for the operation of the improvement, if the works, appliances, or property are to be acquired as part of the improvement.

(c) An estimate of the cost of the improvement and of the cost of lands, rights-of-way, easements, and incidental expenses in connection with the improvement. If the legislative body in the resolution of intention ordered that private utility damages be included in the assessment, the report shall contain an estimate of private utility damages.

(d) A diagram showing the assessment district and the boundaries and dimensions of the subdivisions of land within the district as they existed at the time of the passage of the resolution of intention. Each subdivision shall be given a separate number upon the diagram.

(e) A proposed assessment of the total amount of the cost and expenses of the proposed improvement upon the several subdivisions of land in the district in proportion to the estimated benefits to be received by such subdivisions, respectively, from the improvement. When any portion or percentage of the cost and expenses of the improvement is ordered to be paid out of the treasury of the municipality, pursuant to Section 10200, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of the improvement, and the assessment upon property proposed in the report shall include only the remainder of the estimated cost and expenses. The assessment shall refer to the subdivisions by their respective numbers as assigned pursuant to subdivision (d) of this section.

SEC. 3. Section 10204.1 of the Streets and Highways Code is amended to read:

10204.1. If the assessment district consists, in whole or in part, of lands subdivided or to be subdivided under the provisions of the Subdivision Map Act (commencing at Section 11500, Business and Professions Code), none of the costs and expenses required for compliance with the Subdivision Map Act, including but not limited to surveying and engineering costs incurred in the preparation of any map required

by such act, shall be included in the incidental expenses of any improvement ordered to be made or acquired under this division. Incidental expenses under this division may include:

(1) The costs and expenses of modifying any tentative or final map prepared pursuant to the Subdivision Map Act for use as the map of the assessment district or diagram; and

(2) Any surveying or engineering expenses incurred for preparation of the plans and specifications of any improvement to be constructed under this division.

(3) Any private utility damages.

SEC. 4. It is the purpose of this act to clarify and declare the prior legislative intent as to the meaning of the sections which this act amends, and not to make any substantive changes therein.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution, and shall go into immediate effect. The facts constituting such necessity are:

It is necessary that the specification of the contents of the report to the legislative body conducting an assessment district proceeding under the Municipal Improvement Act of 1913 be more clearly stated in said act. Clarity of the law is essential to the conduct of bonding proceedings in order to obtain merchantable legal opinions supporting the legality of bonds and to avoid wasteful interpretative litigation. Uncertainty exists as to the matter clarified by the addition of Section 10201.1 to, and the amendment of Sections 10204 and 10204.1 of, the Streets and Highways Code, which is now precluding the consummation of one assessment district proceeding involving construction of vitally needed water distribution and sanitary sewage disposal facilities, the estimated cost of which is in excess of one million five hundred thousand dollars ($1,500,000). It is, therefore, imperative that this act take effect immediately.

CHAPTER 600

An act to add Section 31592.3 to the Government Code, relating to retirement, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 31592.3 is added to the Government Code, to read:

31592.3. In any county, earnings of the retirement fund, during any year, in excess of the total interest credited to

contributions and reserves during such year, shall remain in the fund as a reserve against deficiencies in interest earnings in other years, losses on investments, and other contingencies, except that when such excess exceeds 1 percent of the total assets of the retirement system, the board may transfer all or any part of such excess in excess of 1 percent of the total assets into a special fund which shall be used for the sole purpose of providing an increase in monthly retirement allowance pursuant to Section 31681.7 or Section 31739.4. In the event the amount credited to the special fund is not sufficient to pay the entire amount of the increase provided for by Section 31681.7 or Section 31739.4 then the amount of the increase shall be reduced in proportion to the amount of the balance on hand in the special fund at the close of the fiscal year preceding the fiscal year during which such increase is operative.

This section shall not be operative in any county until such time as the board of supervisors shall, by ordinance, make the provisions of this section applicable in such county. The board of supervisors may in such ordinance provide that the increase in monthly retirement allowance provided for by Section 31681.7 or 31739.4 shall be effective only subject to the provisions of this section.

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 such necessity are:

Increases in living costs have imposed a serious burden upon recipients of retirement allowances whose income is fixed and not subject to costs of living increases. In order to make the benefits of this section available during the fiscal year 1967–68 this section must be activated by ordinance of a board of supervisors effective prior to June 30, 1967, and, accordingly, procedures to enact any such ordinance must begin at the earliest possible date.

CHAPTER 601

An act to amend Sections 56, 69 and 69b of, and to add Section 56.1 to the Civil Code, and to add Section 740.1 to the Welfare and Institutions Code, relating to marriages.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 56 of the Civil Code is amended to read:

56. Any unmarried male of the age of 21 years or upwards, and any unmarried female of the age of 18 years or upwards, and not otherwise disqualified, is capable of consenting to and consummating marriage; provided, that any male under the age of 21 years and over the age of 18 years and any female under the age of 18 years and over the age of 16 years, with the consent in writing of the parents of the person under age, or one of such parents, or of his or her guardian, or order of the superior court as provided for in Section 56.1 of the Civil Code or order of the juvenile court as provided for in Section 740.1 of the Welfare and Institutions Code, where such written consent or court order is filed by the clerk issuing the marriage license, as provided in Section 69 of the Civil Code, is capable of consenting to and consummating marriage; provided, further, that any male under the age of 18 years and any female under the age of 16 years, with the consent in writing of the parents of the person under age, or one of such parents, or of his or her guardian, where such written consent is filed with the clerk issuing the marriage license, as provided in Section 69 of the Civil Code and where, after such showing as the superior court may require an order of said superior court is made, granting permission to said person to marry, is capable of consenting to and consummating marriage; provided, further, that any male under the age of 18 years and any female under the age of 16 years, by order of the superior court as provided for in Section 56.1 of the Civil Code or order of the juvenile court as provided for in Section 740.1 of the Welfare and Institutions Code, when such court order is filed with the clerk issuing the marriage license, as provided in Section 69 of the Civil Code is capable of consenting to and consummating marriage.

SEC. 2. Section 56.1 is added to the Civil Code, to read:

56.1. Wherever it appears to the satisfaction of the superior court by verified application of a minor that such person requires a written consent to marry and that such minor has no parent or has no parent capable of consenting, the superior court may make an order consenting to the issuance of a marriage license and granting permission to minor to marry. Such order shall be filed with the county clerk at the time the license is issued.

No fee shall be charged for proceedings under this section.

SEC. 3. Section 69 of the Civil Code is amended to read:

69. All persons about to be joined in marriage must first obtain a license therefor, from a county clerk, which license must show:

1. The identity of the parties.
2. Their real and full names, and places of residence; and
3. Their ages.

No license may be granted when either of the parties, applicants therefor, is an imbecile, or insane, or is at the time of making the application, for said license, under the influence of any intoxicating liquor, or narcotic drug. If the male

is under the age of 21 years, or the female is under the age of 18 years, and such person has not been previously married as provided in Section 25 of the Civil Code, no license may be issued by the county clerk unless both parties are capable of consenting to and consummating marriage as provided for in Section 56 of this code, and such consent or consents or court orders, provided for in Section 56.1 of the Civil Code and Section 740.1 of the Welfare and Institutions Code, must be filed by the clerk.

Each applicant may be required to present authentic identification as to name. For the purpose of ascertaining all the facts mentioned or required in this section, the clerk, at the time the license is applied for may, if he deems it necessary in order to satisfy himself as to matters enumerated in this section, examine the applicants for a license on oath, whicl examination shall be reduced to writing by the clerk, and subscribed by them; or, if necessary, the clerk may request additional documentary proof as to the accuracy of facts stated. Applicants for a license pursuant to this section shall not be required to state, for any purpose, their race or color.

The forms for the application for license to marry and the marriage license shall be prescribed by the State Department of Public Health, and shall be adapted to set forth the facts required in this section.

SEC. 4. Section 69b of the Civil Code is amended to read:

69b. Upon the loss or destruction of a certificate of registry of marriage subsequent to the marriage ceremony but before filing with the county recorder in order to comply with Section 69a of this code, the person solemnizing the marriage shall obtain a duplicate certificate of registry of marriage by filing an affidavit setting forth the facts with the county clerk of the county in which the license was issued.

The fee for issuing said duplicate license and certificate is two dollars and fifty cents ($2.50).

SEC. 5. Section 740.1 is added to the Welfare and Institutions Code, to read:

740.1. If a minor has been adjudged a ward or dependent child of the juvenile court and applies to the said court for consent to marry, and such person has no parent or guardian or has no parent capable of consenting, the juvenile court, in any case, may make an order consenting to the issuance of a marriage license; and granting permission for such minor to marry. Such order shall be filed with the county clerk at the time the license is issued.

CHAPTER 602

An act to amend Section 630 of the Probate Code, relating to disposition of estates without probate.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 630 of the Probate Code is amended to read:

630. When a decedent leaves no real property, nor interest therein nor lien thereon, in this state, and the total value of the decedent's property in this state, over and above any amounts due to the decedent for services in the armed forces of the United States, and over and above the amount of salary not exceeding three thousand dollars ($3,000), including compensation for unused vacation, owing to decedent for services from any employment, does not exceed three thousand dollars ($3,000), the surviving spouse, the children, lawful issue of deceased children, the parent, the brother or sister of the decedent, the lawful issue of a deceased brother or sister, or the guardian of the estate of any minor or insane or incompetent person bearing such relationship to the decedent, if such person has a right to succeed to the property of the decedent, or is the sole beneficiary under the last will and testament of the decedent, may, without procuring letters of administration, or awaiting the probate of the will, collect any money due the decedent, receive the property of the decedent, and have any evidences of interest, indebtedness or right transferred to him upon furnishing the person, representative, corporation, officer or body owing the money, having custody of such property or acting as registrar or transfer agent of such evidences of interest, indebtedness or right, with an affidavit showing the right of the affiant or affiants to receive such money or property, or to have such evidences transferred.

CHAPTER 603

An act to amend Section 817 of the Penal Code, relating to peace officers.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 817 of the Penal Code is amended to read:

817. A peace officer is the sheriff, undersheriff, deputy sheriff, coroner, deputy coroner, regularly employed and paid as such of a county, marshal or deputy marshal of a municipal

court, constable or deputy constable, regularly employed and paid as such of a judicial district, marshal, policeman of a city or town, or any juvenile officer of a city or town engaged in performing juvenile law enforcement functions which are generally performed by the local police department, the Deputy Director and the Assistant Director of the State Department of Justice, the Chief, Assistant Chief, special agents of the Bureau of Criminal Identification and Investigation, the Chief, Assistant Chief and narcotics agents of the Bureau of Narcotic Enforcement, and any parole officer of the State Department of Corrections, and any placement or parole officer of the Youth Authority.

The authority of a peace officer extends to any place in the state (a) as to a public offense committed or which there is probable cause to believe has been committed within the political subdivision that employs him or (b) if he has the prior consent of the chief of police or person authorized by him to give such consent if the place is within a city or the sheriff or person authorized by him to give such consent if the place is within a county.

Inspectors and investigators regularly employed and paid as such in the office of a district attorney, members of the California Highway Patrol, policemen of the San Francisco Port Authority, a supervisor or guard employed by the Department of Corrections, each member of an arson-investigating unit of an organized fire department, the Chief and inspectors of the Bureau of Food and Drug Inspections, inspectors and investigators of the California State Board of Pharmacy not exceeding 10 in number, investigators of the Board of Medical Examiners of the State of California, special investigators of the Board of Osteopathic Examiners of the State of California, investigators of the Board of Chiropractic Examiners of the State of California, and investigators of the Department of Motor Vehicles are respectively peace officers for the purpose only of carrying out the duties of their respective employments. When he is carrying out his duties, a supervisor or guard employed by the Department of Corrections engaged in transportation of prisoners or apprehension of prisoners who have escaped is a peace officer whether acting within or without this state.

Any qualified person, when deputized or appointed by the proper authority as a deputy sheriff or city policeman for the purpose only of transporting prisoners, is a peace officer while engaged in the transportation of prisoners.

When a sheriff designates any qualified public officer or employee as a deputy sheriff for the purpose of supervising the labor of county prisoners, such person, while acting in the performance of such services, is a peace officer.

Each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game shall be deemed a peace officer for the purposes set forth in Section 856 of the Fish and Game Code.

When in any law a public officer or employee is designated as, given the powers of, or determined to be, a peace officer, such officer or employee shall be deemed to be a peace officer but only for the purpose of that law.

The restriction of peace officer functions of any public officer or employee shall not affect his status for purposes of retirement.

When, pursuant to Nevada law, an officer or employee of the Nevada State Prison has in his custody in California a prisoner of the State of Nevada whom he is transporting from the Nevada State Prison or any honor or forest camp in Nevada to another point in Nevada for the purposes of firefighting or conservation work, such officer or employee of the Nevada State Prison shall have the power to maintain custody of the prisoner in California and to retake the prisoner if he should escape in California to the same extent as if such officer or employee were a peace officer appointed under California law and the prisoner had been committed to his custody in proceedings under California law.

CHAPTER 604

An act to amend Section 817 of the Penal Code, relating to peace officers.

[Approved by Governor July 7, 1967. Filed with Secretary of State July 7, 1967.]

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

SECTION 1. Section 817 of the Penal Code is amended to read:

817. A peace officer is the sheriff, undersheriff, deputy sheriff, coroner, deputy coroner, regularly employed and paid as such of a county, any qualified person, when deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city policeman while performing police functions assigned to him by the appointing authority, marshal or deputy marshal of a municipal court, constable or deputy constable, regularly employed and paid as such of a judicial district, marshal, policeman of a city or town, or any juvenile officer of a city or town engaged in performing juvenile law enforcement functions which are generally performed by the local police department, the Deputy Director and the Assistant Director of the State Department of Justice, the Chief, Assistant Chief, special agents of the Bureau of Criminal Identification and Investigation, the Chief, Assistant Chief and narcotics agents of the Bureau of Narcotic Enforcement, and any parole officer of the State Department of Corrections, and any placement or parole officer of the Youth Authority.

The authority of a peace officer extends to any place in the state (a) as to a public offense committed or which there is probable cause to believe has been committed within the political subdivision that employs him or (b) if he has the prior consent of the chief of police or person authorized by him to give such consent if the place is within a city or the sheriff or person authorized by him to give such consent if the place is within a county.

Inspectors and investigators regularly employed and paid as such in the office of a district attorney, members of the California Highway Patrol, policemen of the San Francisco Port Authority, a supervisor or guard employed by the Department of Corrections, each member of an arson-investigating unit of an organized fire department, the Chief and inspectors of the Bureau of Food and Drug Inspections, inspectors and investigators of the California State Board of Pharmacy not exceeding 10 in number, investigators of the Board of Medical Examiners of the State of California, special investigators of the Board of Osteopathic Examiners of the State of California, investigators of the Board of Chiropractic Examiners of the State of California, and investigators of the Department of Motor Vehicles are respectively peace officers for the purpose only of carrying out the duties of their respective employments. When he is carrying out his duties, a supervisor or guard employed by the Department of Corrections engaged in transportation of prisoners or apprehension of prisoners who have escaped is a peace officer whether acting within or without this state.

Any qualified person, when deputized or appointed by the proper authority as a deputy sheriff or city policeman for the purpose only of transporting prisoners, is a peace officer while engaged in the transportation of prisoners.

When a sheriff designates any qualified public officer or employee as a deputy sheriff for the purpose of supervising the labor of county prisoners, such person, while acting in the performance of such services, is a peace officer.

Each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game shall be deemed a peace officer for the purposes set forth in Section 856 of the Fish and Game Code.

When in any law a public officer or employee is designated as, given the powers of, or determined to be, a peace officer, such officer or employee shall be deemed to be a peace officer but only for the purpose of that law.

The restriction of peace officer functions of any public officer or employee shall not affect his status for purposes of retirement.

When, pursuant to Nevada law, an officer or employee of the Nevada State Prison has in his custody in California a prisoner of the State of Nevada whom he is transporting from the Nevada State Prison or any honor or forest camp in Nevada to another point in Nevada for the purposes of fire-

fighting or conservation work, such officer or employee of the Nevada State Prison shall have the power to maintain custody of the prisoner in California and to retake the prisoner if he should escape in California to the same extent as if such officer or employee were a peace officer appointed under California law and the prisoner had been committed to his custody in proceedings under California law.

CHAPTER 605

An act to amend Sections 1761, 1762, 1763, 1764, 1765, 1766, the heading of Article 12 (commencing with Section 25484) of Chapter 2 of Division 18.5, and Section 25484 of, and to add Sections 25485, 25485.1, and 25485.2 to, and to repeal Section 1767 and Article 3 (commencing with Section 25446) of Chapter 2 of Division 18.5 of, the Education Code, relating to school district organization.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 1761 of the Education Code is amended to read:

1761. The boundaries of each high school district shall be coextensive with the boundaries of the component district or districts included within it.

SEC. 2. Section 1762 of the Education Code is amended to read:

1762. When the boundaries of a district which is a component of a high school district are for any cause changed to include territory not previously in the district, the territory added to the district shall at the same time become and constitute a part of the high school district.

SEC. 3. Section 1763 of the Education Code is amended to read:

1763. When the boundaries of a district which is a component district of a high school district are changed so as to exclude territory from the district, the excluded territory shall at the same time be excluded from the high school district.

SEC. 4. Section 1764 of the Education Code is amended to read:

1764. When a new elementary district is formed from territory situated wholly within one high school district, the new school district shall be a component of that high school.

SEC. 5. Section 1765 of the Education Code is amended to read:

1765. When a new elementary school district is formed from territory situated in more than one high school district, the county superintendent of schools shall order an election to be held in the new district to decide to which high school dis-

trict the new district shall belong. The election shall be held prior to the date on which the formation of the new district is effective for all purposes.

SEC. 6. Section 1766 of the Education Code is amended to read:

1766. When a new elementary district is formed to include territory part of which was in one or more high school districts and part of which was in no high school district, the whole of the new district shall be a component of one high school district.

When the territory of the new district was included in not more than one high school district, the new district shall be a component of that high school district.

When parts of the territory of the new district were included in more than one high school district, the whole of the new district shall be a component of the high school district selected by the voters in an election to be ordered and held as provided in Section 1765.

SEC. 7. Section 1767 of the Education Code is repealed.

SEC. 8. Article 3 (commencing with Section 25446) of Chapter 2 of Division 18.5 of the Education Code is repealed.

SEC. 9. The heading of Article 12 (commencing with Section 25484) of Chapter 2 of Division 18.5 of the Education Code is amended to read:

Article 12. Change of Boundaries and Transfer of Territory

SEC. 10. Section 25484 of the Education Code is amended to read:

25484. Whenever the boundary of any high school or unified district included in a junior college district is changed by annexation, withdrawal, transfer of territory, operation of law or in any other manner, such change shall not effect a corresponding change in junior college district boundaries, unless such change is provided for in the terms of agreement for annexation or transfer of territory or is recommended by the county committee on school district organization and is approved by the governing board of the junior college district affected.

SEC. 11. Section 25485 is added to the Education Code, to read:

25485. If a new high school or unified district is formed from territory entirely within an existing junior college district, the new high school or unified district shall continue to be a part of the junior college district.

SEC. 12. Section 25485.1 is added to the Education Code, to read:

25485.1. Whenever a new high school or unified school district is formed to include territory of one or more junior college districts, or from territory partly in a junior college district and partly in no junior college district, the boundary

lines of the junior college district or districts shall not change unless the county committee provides for a change of such boundaries in its plans for the formation of the high school or unified district.

SEC. 13. Section 25485.2 is added to the Education Code, to read:

25485.2. Any part of a junior college district may be transferred to another junior college district in the manner provided in Article 3 (commencing with Section 2361) of Chapter 5 of Division 5 of this code.

CHAPTER 606

An act to repeal Section 2.5 of Chapter 103 of the Statutes of 1966 (1st Ex. Sess.), relating to teaching hours of continuation education and adult classes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 2.5 of Chapter 103 of the Statutes of 1966 (1st Ex. Sess.) is repealed.

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 such necessity are:

Under existing provisions, the authorization for school districts to consolidate the hours and times of day for the maintenance of continuation education classes and adult classes will expire on July 1, 1967. In order that school districts may continue to provide continuation education classes during evening hours after July 1, 1967, thereby utilizing the teachers of adult education classes to avoid and minimize the duplication of school district educational programs, it is necessary that this act go into immediate effect.

CHAPTER 607

An act to amend Sections 23109 and 40303 of the Vehicle Code, relating to exhibitions of speed.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 23109 of the Vehicle Code is amended to read:

23109. (a) No person shall engage in any motor vehicle speed contest on a highway, and no person shall aid or abet in any motor vehicle speed contest on any highway.

(b) No person shall engage in any motor vehicle exhibition of speed on a highway, and no person shall aid or abet in any motor vehicle exhibition of speed on any highway.

(c) No person shall for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest or exhibition upon a highway in any manner obstruct or place any barricade or obstruction or assist or participate in placing any barricade or obstruction upon any highway.

(d) Any person who violates this section shall upon conviction thereof be punished by imprisonment in the county jail for not more than 90 days or by fine of not more than two hundred fifty dollars ($250) or by both such fine and imprisonment.

SEC. 2. Section 40303 of the Vehicle Code is amended to read:

40303. Whenever any person is arrested for any of the following offenses and the arresting officer is not required to take the person without unnecessary delay before a magistrate, the arrested person shall, in the judgment of the arresting officer, either be given a 10 days' notice to appear as herein provided or be taken without unnecessary delay before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made.

(a) Sections 10852 or 10853, relating to injuring or tampering with a vehicle.

(b) Sections 23103 or 23104, relating to reckless driving.

(c) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to an inspection or test of the lights upon the vehicle under Section 2804 hereof, which is punishable as a misdemeanor.

(d) Section 2800, insofar as it relates to a failure or refusal of the driver of a vehicle to stop and submit to a brake test which is punishable as a misdemeanor.

(e) Sections 2800 and 2803, relating to the refusal to submit vehicle and load to a weighing which is punishable as a misdemeanor.

(f) Section 20002, relating to failure to stop in the event of an accident involving damage to property.

(g) Section 20007, relating to failure to stop after collision with an unattended vehicle.

(h) Section 23109, relating to participating in speed contests or exhibition of speed.

(i) Section 14601, relating to driving while license is suspended or revoked.

(j) When the person arrested has attempted to evade arrest.

(k) Section 23332, relating to persons upon vehicular crossings.

(*l*) Section 2813, relating to the refusal to stop and submit a vehicle to an inspection of its size, weight, and equipment.

CHAPTER 608

An act to add Section 71140.3 to the Government Code, relating to municipal court judges.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 71140.3 is added to the Government Code, to read:

71140.3. Notwithstanding any provisions of Section 71140 to the contrary, in the Counties of Santa Clara and Orange a person is eligible to be elected or appointed to the office of judge of a municipal court of a judicial district if he is a resident eligible to vote in the county in which the judicial district is situated for a period of at least 54 days prior to the date of his election or appointment.

CHAPTER 609

An act to amend Sections 156 and 615 of, and to add Section 109.6 to, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 109.6 is added to the Revenue and Taxation Code, to read:

109.6. With the consent of the auditor and tax collector and approval of the board of supervisors, data normally appearing on an extended roll may be retained in electronic data processing equipment and no physical document need be prepared.

Notwithstanding any other provisions of this code, where no physical document of the extended roll is prepared, all entries required to be made on the extended roll shall be entered into the electronic data processing records.

The data shall be so stored that it can be made readily available to the public in an understandable form.

SEC. 2. Section 156 of the Revenue and Taxation Code is amended to read:

156. In the assessment, advertisement, and sale of real property for taxes, initial letters, abbreviations, and figures may be used to designate the township, range, section, or part of a section. Any other abbreviations approved by the board may be used if an explanation of them appears on each page of the roll or a reference appears on each page to a list of abbreviations within each volume of the roll, or if the procedure in Section 109.6 is adopted the list of abbreviations used shall be available to the public in the office of the tax collector. Such list of abbreviations shall be furnished to the tax collector by the assessor.

SEC. 3. Section 615 of the Revenue and Taxation Code is amended to read:

615. The assessor shall prepare an index to the local roll, in the form prescribed by the board, showing the name of the assessee, each place therein where his assessment appears, and any other information required by the board. This index shall be delivered to the tax collector on or before the delivery of the extended roll.

CHAPTER 610

An act to amend Section 2033 of the Code of Civil Procedure relating to discovery.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 2033 of the Code of Civil Procedure is amended to read:

2033. (a) After service of summons or the appearance of a party, any other party who has appeared in the action may file and serve upon such party who has been served or who has appeared a written request for the admission by the latter of the genuineness of any relevant documents described in the request or of the truth of any relevant matters of fact set forth in the request. If a plaintiff desires to serve a request within 10 days after such service of summons or appearance, leave of court, granted with or without notice, must be obtained. Copies of the documents shall be served with the request unless copies have already been furnished, and upon request the originals shall be made available for inspection. Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, not less than 15 days after service thereof or within such shorter or longer

time as the court may allow on motion and notice, the party to whom the request is directed files and serves upon the party requesting the admission either (1) a sworn statement denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part, together with a notice of hearing the objections at the earliest practicable time. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder. The number of requests for admissions or of sets of requests for admissions to be served is not limited except as justice requires to protect the party from annoyance, expense, embarrassment or oppression. The provisions of subdivision (b) of Section 2019 of this code are applicable for the protection of the party from whom admissions are requested under this section.

(b) Any admission made by a party pursuant to such request is for the purpose of the pending action only and neither constitutes an admission by him for any other purpose nor may be used against him in any other action.

(c) Service upon a party of any notice, motion, request or order under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

CHAPTER 611

An act to amend Section 1755 of the Probate Code, relating to conservatorships.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 1755 of the Probate Code is amended to read:

1755. Every conservatorship shall continue until the authority of the conservator is terminated by the death of the conservator or by order of court, or, subject to the duty of the conservator to see to the custody and conservation of the estate pending the delivery thereof to the personal representative of the conservatee's estate, by the death of the conservatee. Any conservator, the conservatee, or any relative or friend of the conservatee may apply by verified petition to the su-

perior court of the county in which the proceedings are pending to have the conservatorship terminated. Said petition shall state the facts alleged to establish that the conservatorship is no longer required. The petition shall be set for hearing and notice thereof given to the persons and in the same manner as is provided in this chapter for a petition for the appointment of a conservator. The conservator in such case, if he is not the petitioner or has not joined in the petition, shall, if he is a resident of this state, be personally served with a notice of the time and place of the hearing accompanied by a copy of the petition at least five (5) days prior to the hearing. If the conservator is not a resident of this state or cannot be found therein after diligent search, the court may fix the manner of giving notice to him by mail, publication or otherwise as the court deems best or the court may dispense with such notice. The conservator or any relative or friend of the conservatee may appear and oppose the petition. The court shall hear and determine the matter according to the laws and procedure relating to the trial of civil action, including trial by jury if demanded. If it is determined that the conservatorship is no longer required, the conservatorship shall cease. If the petition alleges and if it is determined that the conservatee is able to properly care for himself and for his property the court shall make such finding and enter judgment accordingly. The conservator may at said hearing, or thereafter on further notice and hearing, be discharged and his bond exonerated upon the settlement and approval of his final account by the court.

CHAPTER 612

An act to add Section 69844.7 to the Government Code, and to amend Section 1221 of the Probate Code, relating to court records.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 69844.7 is added to the Government Code, to read:

69844.7. Notwithstanding any provisions of law to the contrary, in those counties where it is required by court order or rule that the clerk of the superior court place individual minute orders in the court's file of actions in chronological order, and if it is otherwise required by law that as a prerequisite to destruction of such records a microfilm copy thereof be made, the clerk shall not be required to keep a minute book but shall be required to keep minutes. Nothing contained herein shall eliminate the requirement for a judgment book where judgments and decrees are required to be entered.

SEC. 2. Section 1221 of the Probate Code is amended to read:

1221. All orders and decrees of the court or judge must be entered at length in the minute book of the court, or else signed by the judge and filed, provided that decrees of distribution shall be entered at length in a judgment book or other permanent record of the court.

CHAPTER 613

An act to amend Section 275 of the Financial Code, relating to the State Banking Fund.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 275 of the Financial Code is amended to read:

275. The superintendent shall deliver all money collected by him pursuant to Sections 270, 271, and 272, or pursuant to any other provision of this code, to the State Treasurer, who shall deposit the money to the credit of the State Banking Fund. The superintendent may withdraw from the fund and retain and maintain in his possession and under his control the sum of twenty thousand dollars ($20,000), to be used by him as a revolving fund in the operation of the department.

CHAPTER 614

An act to amend Section 1231.1 of the Public Utilities Code, relating to railroads.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 1231.1 of the Public Utilities Code is amended to read:

1231.1. In each annual budget report prepared by the California Highway Commission and the Department of Public Works under Section 143.1 of the Streets and Highways Code, commencing with the 1966–67 fiscal year, a sum not to exceed one million dollars ($1,000,000) shall be set aside for allocations to the Public Utilities Commission, for the purpose of paying to the street or railroad corporations the share of the cost to cities, counties, and cities and counties of maintaining

automatic grade-crossing protection. The specific amount of the total allocation shall be determined by the California Highway Commission and shall constitute the amount necessary for such maintenance. In arriving at such amount, the California Highway Commission shall consult with representatives of the Public Utilities Commission. Any amounts not expended by the Public Utilities Commission in any one fiscal year may be credited to subsequent annual allocations.

Funds appropriated for the purposes specified herein shall be available for allocation and expenditure without regard to fiscal years.

CHAPTER 615

An act to amend Sections 5602, 5616 and 5881 of, and to add Sections 5614.1, 5629.1, 5879.1, and 5895.1 to, the Streets and Highways Code, relating to special assessments.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 5602 of the Streets and Highways Code is amended to read:

5602. This chapter constitutes a separate and alternate procedure for performing the work specified herein and, except for the provisions of Part 5 of this division, no other provisions of this division shall apply to proceedings instituted hereunder.

SEC. 2. Section 5614.1 is added to the Streets and Highways Code, to read:

5614.1. The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice to repair shall specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed six years, and shall further recite a maximum rate of interest to be paid on the indebtedness which shall not exceed 6 percent a year, payable semiannually.

SEC. 3. Section 5616 of the Streets and Highways Code is amended to read:

5616. Upon the completion of the repair, the superintendent of streets shall cause notice of the cost of the repair to be given in the manner specified in this article for the giving of notice to repair, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the repair, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost

of such repair and any other interested persons. If bonds are to be issued, the notice shall also contain the information required by Section 5614.1.

SEC. 4. Section 5629.1 is added to the Streets and Highways Code, to read:

5629.1. If bonds are to be issued to represent the security of the unpaid assessments, upon confirmation of the report by the legislative body the superintendent of streets shall give notice to pay by mail and by publication substantially in the manner provided by Sections 4320 and 4321 of this code. The period for payment in cash stated therein shall be 30 days following the date of confirmation of the report. Upon completion of such cash payment period, the superintendent of streets shall file with the county recorder a certificate substantially in the form set out in Section 5626, giving notice therein that interest is payable at a rate to be fixed upon the sale of bonds, which rate shall not exceed 6 percent per annum, and shall begin to run on the 31st day after the confirmation of the report. Thereafter the provisions of Part 5 of this division shall be applicable and payments on assessments at bond shall be made as therein provided. Such bonds may be issued and sold as the legislative body directs and may be dated at any time after the expiration of the cash payment period.

SEC. 5. Section 5879.1 is added to the Streets and Highways Code, to read:

5879.1. The legislative body may adopt a resolution determining that bonds shall be issued and assessments collected and enforced pursuant to Part 5 of this division. In such event, the notice shall also specify that bonds shall be issued to represent the security of the unpaid assessments, payable over a period of not to exceed 10 years, and shall further recite a maximum rate of interest to be paid on the indebtedness, which shall not exceed 6 percent a year, payable semiannually.

SEC. 6. Section 5881 of the Streets and Highways Code is amended to read:

5881. Upon the completion of the construction, the superintendent of streets shall cause notice of the cost of the construction to be given in the manner specified in this article for the giving of notice to construct, which notice shall specify the day, hour and place when the legislative body will hear and pass upon a report by the superintendent of streets of the cost of the construction, together with any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such construction and any other interested persons. In no case shall the hearing provided for in this section be sooner than 10 days after giving of notice. If bonds are to be issued, the notice shall also contain the information required by Section 5879.1.

The cost of the construction may include a proportionate share, as determined by the legislative body, of the cost of improvements constructed in a place other than in front of a par-

cel of property which are required for the proper functioning of the improvements in front of the parcel.

SEC. 7. Section 5895.1 is added to the Streets and Highways Code, to read:

5895.1. If bonds are to be issued to represent the security of the unpaid assessments, upon confirmation of the report by the legislative body the superintendent of streets shall give notice to pay by mail and by publication substantially in the manner provided by Sections 4320 and 4321. The period for payment in cash stated therein shall be 30 days following the confirmation of the report. Upon completion of such cash payment period, the superintendent of streets shall file with the county recorder a certificate substantially in the form set out in Section 5891, giving notice therein that interest is payable at a rate to be fixed upon the sale of bonds, which rate shall not exceed 6 percent per annum. Thereafter the provisions of Part 5 of this division shall be applicable and payments on assessments at bond shall be made as therein provided. Such bonds may be issued and sold as the legislative body directs and may be dated at any time after the expiration of the cash payment period.

CHAPTER 616

An act to add Section 4108.1 to the Welfare and Institutions Code, relating to state hospitals.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 4108.1 is added to the Welfare and Institutions Code, to read:

4108.1. The Director of General Services, with the consent of the Department of Mental Hygiene, may grant to the County of Stanislaus a right-of-way for public road purposes over the easterly portion of the Modesto State Hospital lands for the northerly projection of Carpenter Road from the northerly line of Blue Gum Avenue to the northerly boundary of the state hospital lands, upon such terms and conditions as the Director of General Services may deem to be for the best interests of the state.

CHAPTER 617

An act to amend the title of Article 4 (commencing with Section 20251) of Chapter 1 of Division 15 of, to add Section 20251 to, and to repeal Section 20251 of, the Education Code, and to amend Section 29484 of the Government Code, relating to county school funds.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. The title of Article 4 (commencing with Section 20251) of Chapter 1 of Division 15 of the Education Code is amended to read:

Article 4. Apportionment of County Forest Reserve School Money

SEC. 2. Section 20251 of the Education Code is repealed.

SEC. 3. Section 20251 is added to the Education Code, to read:

20251. The county auditor of any county, receiving money from the government of the United States pursuant to any act of Congress providing for the distribution and payment to states and territories of a fixed and definite percentage of the money received by the government of the United States from the forest reserves established therein, shall apportion the money pursuant to Section 29484 of the Government Code. The money credited to the forest reserve account in the county school service fund from the United States Forest Reserve Fund in the State Treasury shall be apportioned by the county superintendent of schools to school districts of the county lying within or adjacent to the United States forest reserve with approval of the county board of education in a manner which shall be prescribed prior to the 30th day of June of the fiscal year next following the year in which received.

When a portion of the area of a county is subject to the jurisdiction of the county superintendent of schools of another county or counties and such portion lies in or adjacent to the United States forest reserve, no apportionment of such money shall be made from the county school service fund without the approval of the county boards of education of both or all counties. In the event that both or all county boards of education do not concur in the apportionments of such money from the county school service fund prior to the first day of April of any year the county superintendent of schools of both or all counties shall on that date notify the Superintendent of Public Instruction who shall, not later than 60 days following notification, make the apportionments. Apportionments made by the Superintendent of Public Instruction are final.

Money apportioned to a school district pursuant to this section shall be deposited by the county auditor to the credit of the several funds of the district as directed by the county superintendent of schools with the approval of the county board of education.

SEC. 2. Section 29484 of the Government Code is amended to read:

29484. The auditor of any county receiving a payment of money pursuant to this article, shall immediately apportion the money by placing 50 percent to the credit of the forest reserve account in the county school service fund of the county, and 50 percent to the credit of the road fund.

CHAPTER 618

An act to add Chapter 4 (commencing with Section 80) to Division 1 of Part 1 of the Education Code, relating to securing of copyrights.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Chapter 4 (commencing with Section 80) is added to Division 1 of Part 1 of the Education Code, to read:

CHAPTER 4. PROHIBITED ACTIVITIES

80. No funds shall be expended by a school district, a county board of education, or a county superintendent of schools to secure a copyright for any person or firm, but nothing in this section shall be construed to prevent the governing board of any school district or county board of education from securing copyrights, in the name of the district or board, to all copyrightable works developed by the school district or board.

81. A school district, a county board of education, or a county superintendent of schools shall not use the regular worktime of any employee to secure a copyright for any person or firm, but nothing in this section shall be construed to prevent the governing board of any school district or county board of education from securing copyrights, in the name of the district or board, to all copyrightable works developed by the school district or board.

CHAPTER 619

An act to add Section 12917 to the Education Code, relating to school district employees.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 12917 is added to the Education Code, to read:

12917. The governing board of a school district may make awards to employees who:

(a) Propose procedures or ideas which thereafter are adopted and effectuated, and which result in eliminating or reducing district expenditures or improving operations; or

(b) Perform special acts or special services in the public interest; or

(c) By their superior accomplishments, make exceptional contributions to the efficiency, economy or other improvement in operations of the school district.

Before any such awards are made, the governing board shall adopt rules and regulations. The board may appoint one or more merit award committees made up of district officers, district employees, or private citizens to consider employee proposals, special acts, special services, or superior accomplishments and to act affirmatively or negatively thereon or to provide appropriate recommendations thereon to the board.

Any award granted under the provisions of this section which may be made by an awards committee under appropriate district rules, shall not exceed two hundred dollars ($200), unless a larger award is expressly approved by the governing board.

When an awards program is established in a school district under the provisions of this section, the governing board shall budget funds for this purpose but may authorize awards from funds under its control whether or not budgeted funds have been provided or the funds budgeted are exhausted.

CHAPTER 620

An act to amend Section 5275 of the Welfare and Institutions Code, relating to narcotic drug addicts.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 5275 of the Welfare and Institutions Code is amended to read:

5275. At the hearing involving a person alleged to be a narcotic drug addict the court shall inquire into the financial condition of the person committed or, if the person is a minor, of the parent, guardian, or other person charged with his support. If the court finds such person or persons able to do so in whole or in part, a further order shall be made requiring him or them to pay, to the extent the judge considers just, the expenses of the proceedings in connection with his commitment, and to pay to the county of which he is a bona fide resident, such sums as the court deems proper, during such time as the person committed remains in the hospital or on parole to a licensed home for the care of such person. The court shall make a further order requiring such person or persons to pay to the Department of Mental Hygiene the expense of delivery of the patient to the state hospital for placement in which he was committed, which shall be paid to and collected by the department and credited to the appropriation for transportation of patients.

The court shall designate some county officer to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such persons to make such payments.

CHAPTER 621

An act to amend Section 5300 of the Welfare and Institutions Code, relating to cost of care.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 5300 of the Welfare and Institutions Code is amended to read:

5300. The reasonable cost of maintenance of a person committed or confined under the provisions of Section 5656 or 5677 to a branch of the county jail, in a sum to be fixed by the court at the time of the commitment or confinement, shall be a charge against the person committed or confined, or if such person be indigent against his relatives liable for his maintenance.

Prior to the making of the order of confinement provided for in Section 5656 or 5677, the court shall inquire into the financial condition of the person confined and of the relatives liable for his maintenance. If the court finds such person or persons able to do so in whole or in part, a further order

shall be made requiring him or them to pay to the county making the confinement to the extent the judge considers just, the expense of the proceedings in connection with his confinement, and to pay to the county maintaining the branch of the county jail, such sums as the court deems proper during such time as the person confined remains in said branch of the county jail.

The court shall designate some county officer to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such persons to make such payments.

CHAPTER 622

An act to amend Section 5301 of the Welfare and Institutions Code, relating to inebriates and drug addicts.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 5301 of the Welfare and Institutions Code is amended to read:

5301. At the hearing involving a person alleged to be an inebriate, or addicted to the use of habit-forming drugs the court shall inquire into the financial condition of the person committed and of the relatives liable for his maintenance. If the court finds such person or persons able to do so in whole or in part, a further order shall be made requiring him or them to pay to the county making the commitment, to the extent the judge considers just, the expense of the proceedings in connection with his commitment, and to pay to the county maintaining the institution if the commitment be to an industrial farm or road camp or branch of the county jail, such sums as the court deems proper during such time as the person committed remains in the industrial farm or road camp or branch of the county jail.

The court shall designate some county officer to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such persons to make such payments.

Responsibility for cost of maintenance of persons confined in Department of Corrections regional jail camps shall be governed by the laws relating to such institutions and regulations of the Department of Corrections issued thereunder.

CHAPTER 623

An act to amend Section 19685 of the Education Code, relating to state school building aid.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 19685 of the Education Code is amended to read:

19685. With the approval of the county superintendent of schools, a school district may make application for an allocation under this article (Sections 19681 to 19689, inclusive). Facilities for which an apportionment is made under this section shall be made available for use by the county superintendent of schools until he ceases to conduct such classes therein or until the superintendent of schools of a county other than the county whose superintendent of schools approved the application made under this section acquires jurisdiction over the location of such facility, whichever first occurs. Not more than 50 percent of the amount of any apportionment made pursuant to this section shall be repaid. Repayments shall be made in the following manner: Ten percent of the amount of the apportionment shall be subject to repayment by the district to the extent, and in the manner prescribed in Article 1 (Sections 19551 to 19632, inclusive) of this chapter for apportionments other than those made pursuant to Section 19577. Forty percent of the amount of the apportionment shall be repaid in full with interest by the district, in such annual amounts and over such period as the board may determine, not to exceed 20 years from the date the apportionment became final. The county board of supervisors of the county whose superintendent of schools conducts classes in such facility during any fiscal year shall at such time or times within such fiscal year as may be agreed upon between the county and the school district, but in any case not later than the end of such fiscal year, pay to the school district having the obligation to repay the apportionment made under this section for the construction of such facility, an amount equal to the amount the district is required to repay in said fiscal year with respect to the 40 percent of the amount of the apportionment described above.

The county board of supervisors may raise the amount required through a general tax levy or through a tuition charge not to exceed one hundred sixty dollars ($160) a year per pupil by the county superintendent of schools to the school districts of residence of pupils attending the facility other than the district having the obligation to repay or through a combination of these.

Upon application of a school district and written approval of the county superintendent of schools the board may amend

any apportionment previously received by a district for exceptional children by providing that the same shall be deemed to have been made with reference to this section, in which event all the incidents of this section shall be deemed applicable thereto, except that only the unpaid balance of said apportionment at the time of the aforesaid amendment of the apportionment with interest accrued to said date shall be repaid as prescribed in this section.

The county superintendent of schools shall notify the county board of supervisors of his intention to approve a school district's application for an allocation under this article (Sections 19681 to 19689, inclusive) before he approves the application.

CHAPTER 624

An act to add Section 26154.5 to the Government Code, relating to elementary school districts.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 26154.5 is added to the Government Code, to read:

26154.5. The board of supervisors may provide financial assistance to elementary school districts which have within the boundaries of such school districts any facilities used by the county to house county employees. Any funds received pursuant hereto by an elementary school district may be deposited by the governing board of the school district in any fund of the district. The provisions hereof are applicable only to elementary school districts which have an average daily attendance of less than 3,000.

CHAPTER 625

An act to amend Section 630 of the Code of Civil Procedure, relating to verdicts.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 630 of the Code of Civil Procedure is amended to read:

630. When the jury for any reason has been discharged without having rendered a verdict, the court on its own motion or upon motion of a party, notice of which was given within 10 days after discharge of the jury, may order judgment to be entered in favor of a party whenever a motion for directed

verdict for such party should have been granted had a previous motion been made. Except as otherwise provided in Section 12a of this code, the power of the court to act under the provisions of this section shall expire 30 days after the day upon which the jury was discharged, and if judgment has not been ordered within said time the effect shall be the denial of any motion for judgment without further order of the court.

CHAPTER 626

An act to amend Section 15101 of the Financial Code, relating to credit unions.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 15101 of the Financial Code is amended to read as follows:

15101. The capital funds, undivided profits, and guaranty fund of any credit union may be deposited or invested in any of the following:

(a) Savings banks, state banks, or trust companies, incorporated under the laws of this state.

(b) National banks located in this state.

(c) The Postal Savings System of the United States.

(d) Securities authorized by statute as investments for savings banks.

(e) Shares or certificates for funds received or any form of evidence of interest or indebtedness issued by any credit union in this state, organized under the provisions of this division or the statutes of the United States relating to credit unions.

(f) Accounts with, investment certificates, or withdrawable shares of, any savings and loan associations doing business in this state and which is an insured institution as defined by Title IV of the National Housing Act; provided that the total sum invested by any credit union in any one savings and loan association pursuant to this section shall not exceed the greater of one-fourth of 1 percent of such savings and loan association's total withdrawable accounts or fifteen thousand dollars ($15,000).

CHAPTER 627

An act to amend Sections 19405 and 19533.1 of the Government Code, relating to layoff in the state civil service.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 19405 of the Government Code is amended to read:

19405. The rights and benefits provided a person in Sections 19390, 19394, 19401.1, and 19533.2 shall not extend to or be granted to a person, who after January 1, 1956, voluntarily requests and obtains an extension of his original term of enlistment, service, or tour of duty in the recognized military service of the United States.

Such rights and benefits shall not extend to or be granted to a person who was on an indefinite tour of duty, or on a tour of duty in excess of four years' duration in the recognized military service as of January 1, 1956, and who continues on such duty after January 1, 1960.

Such rights and benefits shall not extend to or be granted to a person who was ordered to, or enlisted in the recognized military service after January 1, 1956, for an indefinite tour of duty or for a tour of duty in excess of four years' duration and who continues on such duty for more than four years from the first day of ordered duty or enlistment.

Whenever the board finds that the time limitations imposed by this section are unreasonable to a person or persons because of circumstances beyond their control, it shall be within the discretion of the board to grant an extension of the rights and benefits for not to exceed three additional years.

SEC. 2. Section 19533.1 of the Government Code is amended to read:

19533.1. Separations that are necessary by reason of reinstatement of an employee or employees after recognized military service as provided for in Section 19390 shall be made by layoff. In making such separations, the regular method of determining the order of layoff shall be used unless this would result in the layoff of an employee who has been reinstated in the class and subdivision of layoff under the provisions of Section 19390, and in the retention of an employee who was appointed in the class and subdivision of layoff during the time such a reinstated employee was on military leave. Under such circumstances, seniority shall not be counted as provided in Section 19533. Instead, service in the subdivision of layoff that qualifies under Section 19533 for credit is the only state service that shall be counted.

Whenever such a layoff results in the demotion to a lower class of an employee who has been reinstated after recognized military service as provided in Section 19390, the resulting

layoff, if any, in the lower class shall be made as though that reinstated employee had been in that lower class at the time he went on military leave.

Any layoff occurring within one year after reinstatement of an employee after recognized military service shall be presumed to have been necessary by reason of reinstatement of an employee or employees under Section 19390 unless the board determines that the reason for layoff is clearly not related to such reinstatement.

CHAPTER 628

An act to amend Sections 31641.4 and 31644 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 31641.4 of the Government Code is amended to read:

31641.4. A member shall receive credit for employment in public service only for such service as he is not entitled to receive a pension or retirement allowance from such public agency. The service for which he elects to contribute and the fact that no pension or retirement allowance will accrue to such member by virtue of his employment in such public agency must be certified to by an officer of the public agency where he rendered such public service or must be established to the satisfaction of the board.

SEC. 2. Section 31644 of the Government Code is amended to read:

31644. In its regulations the board may provide what service shall constitute prior service. Such service may include employment which is not service as defined in Sections 31641 and 31642.

CHAPTER 629

An act to add Section 5022 to the Education Code, relating to driver training.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 5022 is added to the Education Code, to read:

5022. Whenever the governing board of a school district offering automobile driver training determines that such training cannot be conducted effectively wholly within the district's boundaries, it may cause the training to be conducted without the boundaries of the district.

CHAPTER 630

An act to repeal Section 22452 of the Financial Code, relating to insured loans.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 22452 of the Financial Code is repealed.

CHAPTER 631

An act to amend Section 8955 of the Education Code, relating to mentally retarded minors.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 8955 of the Education Code is amended to read:

8955. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required

to be raised by a county tax for the education of mentally retarded minors who come within the provisions of Section 6902 and for the rental of property and the purchase of equipment by the county superintendent of schools for special training schools and classes for such minors. The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools (1) the total of any balances remaining to be expended for this purpose, and (2) the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of mentally retarded minors who come within the provisions of Section 6902 and by adding to the result the amount required for rental of property and purchase of equipment.

The county auditor and the county board of supervisors shall determine the tax necessary to produce the amount certified when levied upon the taxable property of all the districts under the jurisdiction of the county superintendent of schools which during the preceding fiscal year had less than 901 units of average daily attendance in the elementary schools of the district and which have not been approved by the county superintendent of schools to maintain such schools or classes. The board of supervisors shall at the time of levying other county taxes levy the tax so determined in each school district which had during the preceding fiscal year less than 901 units of average daily attendance in the elementary schools of the district and which has not been approved by the county superintendent of schools to maintain such schools or classes, except that the tax levied shall not exceed ten cents ($0.10) for each one hundred dollars ($100) of assessed valuation and shall be levied notwithstanding the provisions of Section 20751 or 20803.

The amount received from the tax shall be deposited in the county school service fund.

In the event the amount received from the tax levied is less than the amount certified by the county superintendent of schools the difference shall, with the approval of the Superintendent of Public Instruction, be paid the county superintendent of schools from the county school service fund contingency account pursuant to Section 18353.

CHAPTER 632

An act to amend Sections 73682, 73683, 73684, 73689, 73691, 73692, and 73694 of the Government Code, relating to municipal courts.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 73682 of the Government Code is amended to read:

73682. There shall be one clerk to be appointed by the judges of the court in the manner provided by law who shall be the clerk, administrator and secretary of the court. He shall receive a monthly salary at the rate specified in Range 73 of the salary schedule set forth in Section 73684.

SEC. 2. Section 73683 of the Government Code is amended to read:

73683. The clerk may appoint the following court personnel who shall receive a salary at the range indicated as set forth in Section 73684:

(a) One assistant clerk at salary range 58.
(b) Two chief deputy clerks at salary range 55.
(c) Seven court clerks at salary range 51.
(d) Two deputy clerks II at salary range 51.
(e) Four deputy clerks I at salary range 43.
(f) Nineteen intermediate typist-clerks at salary range 38.
(g) Eleven junior typist-clerks at salary range 33.
(h) Two intermediate stenographer-clerks at salary range 41.
(i) Two junior stenographer-clerks at salary range 35.
(j) The clerk may appoint any combination of typist-clerks ((f) and (g)) not to exceed a total of 24 and may appoint any combination of stenographer-clerks ((h) and (i)) not to exceed a total of two.

Whenever as a result of the amendment to this section enacted at the 1967 Regular Session of the Legislature the position of an officer or attaché of the court is changed, he will be placed in the position which in the clerk's opinion calls for duties nearest in kind and scope to those which he had been doing prior to the change and shall be entitled to be blanketed into such new position without examination or other qualification except that the status of a probationary employee will not be changed in that respect. He will be placed on the step of the appropriate salary range which will provide the same salary as that which he received immediately prior to the change, or if there is no such salary so provided in the salary schedule, then at the step of the appropriate range providing a salary the nearest to but not lower than that previously received and the anniversary for step advances will be unchanged.

SEC. 3. Section 73684 of the Government Code is amended to read:

73684. The following salary schedule shall apply to all officers and attachés of the Fresno Municipal Court:

Salary range	Salary step rates				
	1	2	3	4	5
33	307	323	339	356	374
34	315	331	348	365	383
35	323	339	356	374	392
36	331	348	365	383	402
37	339	356	374	392	412
38	348	365	383	402	422
39	356	374	392	412	432
40	365	383	402	422	443
41	374	392	412	432	454
42	383	402	422	443	465
43	392	412	432	454	476
44	402	422	443	465	488
45	412	432	454	476	500
46	422	443	465	488	512
47	432	454	476	500	525
48	443	465	488	512	538
49	454	476	500	525	551
50	465	488	512	538	565
51	476	500	525	551	579
52	488	512	538	565	593
53	500	525	551	579	608
54	512	538	565	593	623
55	525	551	579	608	638
56	538	565	593	623	654
57	551	579	608	638	670
58	565	593	623	654	687
59	579	608	638	670	704
60	593	623	654	687	721
61	608	638	670	704	739
62	623	654	687	721	757
63	638	670	704	739	775
64	654	687	721	757	794
65	670	704	739	775	814
66	687	721	757	794	834
67	704	739	775	814	855
68	721	757	794	834	876
69	739	775	814	855	898
70	757	794	834	876	920
71	775	814	855	898	943
72	794	834	876	920	966
73	814	855	898	943	990
74	834	876	920	966	1,014
75	855	898	943	990	1,039
76	876	920	966	1,014	1,065

Salary range	Salary step rates				
	1	2	3	4	5
77	898	943	990	1,039	1,091
78	920	966	1,014	1,065	1,118
79	943	990	1,039	1,091	1,146
80	966	1,014	1,065	1,118	1,174
81	990	1,039	1,091	1,146	1,203
82	1,014	1,065	1,118	1,174	1,233
83	1,039	1,091	1,146	1,203	1,264
84	1,065	1,118	1,174	1,233	1,295
85	1,091	1,146	1,203	1,264	1,327
86	1,118	1,174	1,233	1,295	1,360
87	1,146	1,203	1,264	1,327	1,394
88	1,174	1,233	1,295	1,360	1,428
89	1,203	1,264	1,327	1,394	1,463
90	1,233	1,295	1,360	1,428	1,499

Except as provided in Section 76387, initial appointments to each position shall be at step 1 of the appropriate salary range. Thereafter at the recommendation of the clerk, the officer or attaché will be entitled to advance to step 2 after six months of service, to step 3 after 1½ years of service, to step 4 after 2½ years of service, and to step 5 after 3½ years of service. Except as otherwise specifically provided in this article to the contrary, all benefits, privileges and other provisions affecting the employment of county employees shall apply to all officers and attachés of the municipal court.

SEC. 4. Section 73689 of the Government Code is amended to read:

73689. After six months of continuous service each officer or attaché is entitled to one working day of sick leave with pay for each month or major fraction thereof served up to an accumulated total of 120 working days. Administration of sick leave and conditions with respect thereto shall be in accordance with the then current provisions relating to county employees generally.

SEC. 5. Section 73691 of the Government Code is amended to read:

73691. The judges of the court may appoint two official reporters pursuant to Section 72194 who shall be attachés of the court, and in lieu of any other compensation provided by law for their services in reporting testimony in felony criminal proceedings in the court, they shall each receive a monthly salary of three hundred fifty dollars ($350), which shall be a charge against the general fund of the county. For transcribing and for reporting proceedings other than felony criminal proceedings, the official reporters shall receive the fees provided by Sections 69947 to 69953 inclusive, except that in lieu of the per diem fees provided in the sections for reporting testimony and proceedings the official reporters shall in all cases receive forty-five dollars ($45) per day which shall upon order of the court be a charge against the general fund of the county.

SEC. 6. Section 73692 of the Government Code is amended to read:

73692. Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in the sections for reporting testimony and proceedings the official reporters pro tempore shall in all cases receive forty-five dollars ($45) per day, which shall upon order of the court be a charge against the general fund of the county.

SEC. 7. Section 73694 of the Government Code is amended to read:

73694. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon the recommendation of the judges as to the clerk and the clerk as to all other officers and attachés of the court, and with the approval of the Board of Supervisors of the County of Fresno, the officers and attachés of the court may be paid any compensation which is within the ranges and increments set forth in Section 73684, but not exceeding 25 percent of the amounts provided for the position by Sections 73682 and 73683. Such increase may be made operative at the same time as the higher compensation becomes operative for the similar position within the County of Fresno or any time thereafter and in the event the increase in the comparable position in Fresno County employment becomes operative after April 1, 1967, and prior to the effective date of the amendment to this section enacted at the 1967 Regular Session of the Legislature, any adjustment authorized by this section may become effective and operative on or any time after the effective date of the amendment to this section enacted at the 1967 Regular Session of the Legislature. This section shall remain in effect until the 60th day after the final adjournment of the 1968 Regular Session of the California Legislature.

CHAPTER 633

An act to repeal Section 2 of Chapter 1499 of the Statutes of 1965, relating to county highways.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 2 of Chapter 1499 of the Statutes of 1965 is repealed.

CHAPTER 634

An act to amend Section 56453 of the Government Code, relating to districts.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 56453 of the Government Code is amended to read:

56453. After receipt of the Secretary of State's certificate of filing, the clerk shall record the following with the county recorder of each county in which all or any part of said district is located:

(a) A counterpart original of the clerk's certificate of completion; and

(b) The original or a counterpart original of the Secretary of State's certificate of filing.

After recordation of the clerk's certificate of completion, the recorder shall file with the county surveyor a copy of the boundary description included in the certificate of completion as provided by subdivision (c) of Section 56451.

CHAPTER 635

An act to amend Sections 12 and 23 of the Ventura County Flood Control Act (Chapter 44 of the Statutes of 1944, Second Extraordinary Session), relating to the Ventura County Flood Control District.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 12 of the Ventura County Flood Control Act (Ch. 44, Stats. 1944 (2nd Ex. Sess.)) is amended to read:

Sec. 12. The board of supervisors of said district shall have power, in any year:

1. To levy an ad valorem tax or assessment upon all taxable property in the district to pay the costs and expenses of said Ventura County Flood Control District and to carry out any of the objects or purposes of this act of common benefit to the district as a whole, and

2. To levy an ad valorem tax or assessment upon all taxable property in each or any of said zones, according to the benefits derived or to be derived by said respective zones, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to said respective zones,

including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements within said respective zones. It is declared that all property within a given zone is equally benefited under this act.

Said taxes or assesments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone except as provided in Section 14 hereof; and provided further, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed twenty cents ($0.20) on each one hundred dollars ($100) of the assessed valuation of the taxable property in zone 1, shall not exceed forty cents ($0.40) on each one hundred dollars ($100) of the assessed valuation of the taxable property in zones 2 and 4, shall not exceed twenty-seven cents ($0.27) on each one hundred dollars ($100) of the assessed valuation of the taxable property in zone 3, and shall not exceed one dollar ($1) on each one hundred dollars ($100) of the assessed valuation of the taxable property in any special zone in addition to the aggregate taxes or assessments levied for zone 1, 2, 3 or 4 and exclusive of any tax or assessment levied to pay the cost and expenses of any project or facility for importing water into the district or to meet any bonded indebtedness of said zones or district and the interest thereon.

SEC. 2. Section 23 of the Ventura County Flood Control Act (Ch. 44, Stats. 1944 (2nd Ex. Sess.)) is amended to read:

Sec. 23. All contracts for any improvement or unit of work except as hereinafter provided estimated to cost in excess of five thousand dollars ($5,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The said board of supervisors of said district shall advertise by three (3) insertions in a daily newspaper of general circulation or two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction of, the improvement or work before any contract shall be made therefor, and may let by contract separately any part of said work or improvement. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and

conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or where the estimated cost of such work does not exceed the sum of five thousand dollars ($5,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertising for bids therefor, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

CHAPTER 636

An act to amend Section 13450.1 of the Government Code, relating to purchase and sale of bonds.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 13450.1 of the Government Code is amended to read:

13450.1. For the purposes of this section the Controller and the Director of General Services, acting ex officio as members of the State Board of Control, may each designate one or more deputies or employees to act for him for the purpose of consenting to the purchase, sale, transfer, or exchange of bonds in his absence. Consent to the purchase, sale, transfer, or exchange of bonds shall be deemed to be the consent of the State Board of Control when given by any two members of the State Board of Control, or any representative designated pursuant to this section and a member of the State Board of Control other than the member designating such representative, or a representative designated by the Controller pursuant to this section and a representative designated by the Director of General Services pursuant to this section.

CHAPTER 637

An act to amend Sections 74642, 74643, 74644 and 74644.1 of the Government Code, relating to municipal court attachés.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 74642 of the Government Code is amended to read:

74642. There shall be one clerk of the municipal court, one senior municipal court clerk, six municipal court clerks, one senior account clerk, two senior clerks, one intermediate stenographer-clerk, five intermediate clerks, three typist-clerks and one clerk, each of whom shall receive a salary in accordance with Section 74644 and Section 74644.1.

SEC. 2. Section 74643 of the Government Code is amended to read:

74643. There shall be one marshal, one chief deputy marshal, one senior deputy marshal, seven deputy marshals, one senior typist-clerk, one intermediate typist-clerk, two intermediate clerks, and one clerk, each of whom shall receive a salary in accordance with Section 74644 and Section 74644.1.

SEC. 3. Section 74644 of the Government Code is amended to read:

74644. (a) The monthly salaries for the following classes of positions shall be, and shall be increased, in accordance with the schedule set forth below:

	Range	A	B	C	D	E
Clerk of the municipal court	66	$779	$818	$859	$902	$947
Senior municipal court clerk	50	527	553	581	610	641
Municipal court clerk	48	502	527	553	581	610
Senior account clerk	44	455	478	502	527	553
Senior clerk	42	433	455	478	502	527
Intermediate stenographer-clerk	36	373	392	412	433	455
Intermediate clerk	36	373	392	412	433	455
Typist-clerk	32	338	355	373	392	412
Clerk	30	322	338	355	373	392
Marshal	69	839	881	925	971	1019
Chief deputy marshal	57	626	657	690	725	761
Senior deputy marshal	53	567	596	626	657	690
Deputy marshal	51	540	567	596	626	657
Senior typist-clerk	42	433	455	478	502	527

All figures in columns A, B, C, D, and E represent dollars per calendar month.

(b) The administration of the salary plan provided by this article including the hiring rate, increases within range, salary on promotion, transfer or demotion, salary on position reclassi-

fication, and all relevant matters shall be in accordance with the personnel rules and ordinances of the County of Santa Barbara, and any employee who on the effective date of the amendments to this section enacted at the 1967 Regular Session of the Legislature is receiving a rate of compensation in excess of column "E" of the range prescribed for his class shall continue to receive such compensation until his position is first vacated, or until such time as the compensation is otherwise changed as prescribed by law.

(c) On and after the effective date of the amendments to this section enacted at the 1967 Regular Session of the Legislature, the following regulations will govern the administration of the classification and compensation schedules contained herein:

(1) Except as otherwise provided in this article, all employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and shall be subject to the same rules and regulations concerning length of workweek, anniversary dates and changes thereof, and may be appointed, promoted, demoted, terminated, or transferred or their status otherwise adjusted, in the same manner and with the same effect as is or may be provided by the current salary and personnel ordinances and policies approved by the Board of Supervisors of Santa Barbara County for other employees of the county. Provided, however, that the provisions regarding appointments, promotion, demotion and termination shall not apply to the office of marshal and said marshal's office shall remain an elective office.

(2) For the purposes of this article, an employee, unless otherwise designated, refers to every person filling any position established by Sections 74642 and 74643.

SEC. 4. Section 74644.1 of the Government Code is amended to read:

74644.1. Notwithstanding any other provisions of this article, if at any date on or after April 2, 1967, any different compensation is established for any of the hereafter mentioned positions under the County of Santa Barbara Salary Ordinance, the following provisions shall apply to salaries mentioned in this article:

(a) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County Salary Ordinance as superior court clerk the percentage of such increase or decrease shall be ascertained and the salary range for the classification of clerk of the municipal court, senior municipal court clerk, and municipal court clerk under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage, rounded off to the nearest dollar.

(b) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County Salary Ordinance as senior account clerk, senior clerk, intermediate stenographer-clerk, intermediate

clerk, typist-clerk and clerk, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of senior account clerk, senior clerk, intermediate stenographer-clerk, intermediate clerk, typist-clerk, and clerk, under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage, rounded off to the nearest dollar.

(c) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County Salary Ordinance as deputy sheriff, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of marshal, chief deputy marshal, senior deputy marshal, and deputy marshal under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage, rounded off to the nearest dollar.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Santa Barbara County Salary Ordinance is payable.

This section shall remain in effect until the 61st day after the final adjournment of the 1969 Regular Session of the Legislature.

CHAPTER 638

An act to amend Section 40 of the Civil Code, and to amend Section 1910 of, and to add Section 1561 to, the Probate Code, relating to guardianship and conservatorship.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 40 of the Civil Code is amended to read:

40. Subject to Sections 1561 and 1910 of the Probate Code, after his incapacity has been judicially determined, a person of unsound mind can make no conveyance or other contract, nor delegate any power or waive any right, until his restoration to capacity. But a certificate from the medical superintendent or resident physician of the insane asylum to which such person may have been committed, showing that such person had been discharged therefrom, cured and restored to reason, shall establish the presumption of legal capacity in such person from the time of such discharge.

SEC. 2. Section 1561 is added to the Probate Code, to read:

1561. Unless otherwise ordered by the court, if an adult ward shall at any time during the continuance of the guardianship be employed, his wages or salary from such employment

shall not be part of the guardianship estate and the guardian shall not be accountable therefor, and such wages and salaries shall be paid to the ward and shall be subject to his control to the same extent as if the guardianship did not exist. Any such order shall be binding on the ward's employer only after notice thereof to him.

SEC. 3. Section 1910 of the Probate Code is amended to read:

1910. Unless otherwise ordered by the court, if the conservatee shall at any time during the continuance of the conservatorship be employed, his wages or salary for such employment shall not be a part of the conservatorship estate and the conservator shall not be accountable therefor, and such wages and salaries shall be paid to the conservatee and shall be subject to his control to the same extent as if the conservatorship did not exist. Any such order shall be binding upon the conservatee's employer only after notice thereof to him.

CHAPTER 639

An act to add Section 1537.5 to the Probate Code, relating to property of an incompetent or a minor ward.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 1537.5 is added to the Probate Code, to read:

1537.5. If an incompetent or a minor ward is in possession of, or holding title to, real or personal property which, or some interest in which, is claimed to belong to another, the court may authorize and direct the guardian of his estate to convey the property to the person entitled thereto. The proceedings to obtain such an order and the proceedings thereunder must conform, as nearly as may be, to the provision of this code concerning conveyances by executors or administrators of property claimed to belong to another.

CHAPTER 640

An act to amend Section 14746 of the Government Code, relating to state records.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 14746 of the Government Code is amended to read:

14746. The duties of the director shall include but not be limited to:

(a) Establishing standards, procedures, and techniques for effective management of records.

(b) Providing appropriate protection for records designated by state agencies, with the concurrence of the director, as essential to the functioning of state government in the event of a major disaster.

(c) Obtaining from agencies reports required for the administration of the program.

CHAPTER 641

An act to amend Section 11014 of the Government Code, relating to claims for damages.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 11014 of the Government Code is amended to read:

11014. In exercising the powers and duties granted to and imposed upon it, any state agency may construct and maintain communication lines as may be necessary.

In providing communications and necessary powerlines in connection therewith the agency, with the approval of the Department of General Services may enter into contracts with owners of similar facilities for use of their facilities, such as pole lines, and provisions may be made for indemnification and holding harmless of the owners of such facilities so used by reason of such use. Insurance may be purchased by the Department of General Services, upon request of the agency, to protect the state against loss or expense arising out of any such contract.

Any claim for damages arising against the state under this section shall be presented to the State Board of Control in accordance with Sections 905.2 and 945.4 of the Government Code and if not covered by insurance as herein provided shall

be payable only out of funds appropriated by the Legislature for such purpose. If the state elects to insure its liability under this section the State Board of Control may automatically deny any such claim.

CHAPTER 642

An act to amend Section 27001 of the Government Code, relating to county treasurers.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 27001 of the Government Code is amended to read:

27001. The treasurer shall file and keep the certificates of the auditor delivered to him when money is paid into the treasury. Notwithstanding the provisions of Sections 26201, 26202 and 26205 of this code, the treasurer may destroy any certificate received pursuant to this section and which has been filed for more than five years provided all of the following conditions are complied with:

(a) The record, paper, or document is photographed, microphotographed, or reproduced on film of a type approved for permanent photographic records by the National Bureau of Standards;

(b) The device used to reproduce such record, paper, or document on film is one which accurately reproduces the original thereof in all details;

(c) The photographs, microphotographs, or other reproductions on film are placed in conveniently accessible files and provision is made for preserving, examining, and using the same.

CHAPTER 643

An act to add Section 1411.1 to the Health and Safety Code, relating to the provision of dental services in hospitals licensed by the state.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 1411.1 is added to the Health and Safety Code, to read:

1411.1. Dental services as defined in the Dental Practice Act may be provided patients in hospitals licensed under this chapter. Such services shall be provided by persons licensed by

the State of California under Section 1611 of the Business and Professions Code. However, this section shall not limit or restrict the right of a licensed physician and surgeon to perform any acts authorized under the Medical Practice Act.

CHAPTER 644

An act to amend Section 5373 of the Streets and Highways Code, relating to assessment liens

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 5373 of the Streets and Highways Code is amended to read:

5373. The lien, whether bonds issued to represent the assessment or otherwise, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property; and from and after the date of the recording of any warrant, assessment and diagram, all persons shall be deemed to have notice of the contents thereof.

The holder of a subordinate assessment or a bond representing a subordinate assessment shall have the rights of an inferior lienholder as provided in Section 2904 of the Civil Code.

CHAPTER 645

An act to amend Section 27003 of the Education Code, and to amend Sections 11558.5 and 11559.5 of the Government Code, relating to salaries for state officers, and making an appropriation therefor.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 27003 of the Education Code is amended to read:

27003. The State Librarian shall be appointed by and hold office at the pleasure of the Governor, subject to confirmation by the Senate.

SEC. 1.1. Section 11558.5 of the Government Code is amended to read:

11558.5. An annual salary of nineteen thousand five hundred dollars ($19,500) shall be paid to the following:

(a) State Printer.

SEC. 1.5. Section 11559.5 of the Government Code is amended to read:

11559.5. An annual salary of fifteen thousand five hundred dollars ($15,500) shall be paid to each of the following:

(a) Chief of the Division of Housing.

SEC. 2. Section 11559.5 of the Government Code is amended to read:

11559 5. An annual salary of fifteen thousand five hundred dollars ($15,500) shall be paid to each of the following:

(a) Chief of the Division of Building and Housing Standards.

(b) Chief of the Division of Housing and Community Development.

SEC. 3. Section 2 of this act shall be operative until the 61st day after the 1969 Regular Session of the Legislature, and Section 1.5 of this act shall be operative commencing with the 61st day after the 1969 Regular Session of the Legislature.

SEC. 4. Section 11559.5 of the Government Code is amended to read:

11559.5. An annual salary of fifteen thousand five hundred dollars ($15.500) shall be paid to each of the following:

(a) Chief of the Division of Housing.

SEC. 5. Section 11559 5 of the Government Code is amended to read:

11559.5. An annual salary of fifteen thousand five hundred dollars ($15,500) shall be paid to each of the following:

(a) Chief of the Division of Building and Housing Standards.

(b) Chief of the Division of Housing and Community Development.

SEC. 5.5. For the 1967–1968 fiscal year, there is hereby appropriated from the General Fund to the State Controller the sum of eighteen thousand eight dollars ($18,008) in augmentation of Schedule (a) of Item 104 of the Budget Act of 1967.

SEC. 6. Section 5 of this act shall be operative until the 61st day after the 1969 Regular Session of the Legislature, and Section 4 of the act shall be operative commencing with the 61st day after the 1969 Regular Session of the Legislature.

SEC. 7. Sections 4, 5, and 6 of this act shall become operative only if Senate Bill No. 260 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 260 takes effect; at which time Sections 1.5, 2, and 3 of this act are repealed.

CHAPTER 646

An act to amend Section 6 of, and to add Section 6.1 to, the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294, Statutes of 1945), relating to the San Luis Obispo County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. Section 6 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294, Statutes of 1945) is amended to read:

Sec. 6. The district shall have and may exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location, and provided further that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the state in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation therefor be first provided in the manner provided by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be conclusive evidence of all of the following:

(a) The public necessity for the proposed public improvement.

(b) The property or property interest being acquired is necessary for the proposed public use.

(c) Such proposed public improvement is planned or located in the manner which will be compatible to the greatest public good and the least private injury.

Whenever real property which is devoted to or held for some other public or quasi public use is required by the district for flood or storm water control or water conservation purposes, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property required by the district as aforesaid for flood control or water conservation purposes.

SEC. 2. Section 6.1 is added to the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294, Statutes of 1945), to read:

Sec. 6.1. Whenever a part only of a parcel of land is required by the district for the control or conservation of flood, storm, or other waste waters, and the taking thereof, and the construction of the proposed public improvement thereon, will interfere with reasonable access to the remainder, or will otherwise cause substantial damage to the remainder, the district may condemn, purchase, or otherwise acquire the whole parcel of land and may sell the remainder or exchange the same for other property required for district purposes. Or, in lieu of such acquisition of the remainder, the district may condemn, purchase, or otherwise acquire an easement for ingress to and egress from the remainder for use by the public, including the owner of the land.

SEC 3. 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 such necessity are:

The act governing this district, as now worded, does not clearly confer upon the district the powers conferred upon it by this act. Public funds have heretofore been voted and provided for the construction of a dam and reservoir by said district, including a reservoir, terminal reservoir, minimum pool available for fishing and recreational use, and other public recreational facilities pursuant to the Davis-Grunsky Act. The completion of such dam, reservoir, terminal reservoir and recreational facilities pursuant to a contract, the specifications for which are already in the hands of prospective contractors,

and the acquisition of property necessary therefor in proceedings now pending and to be filed is essential to the early elimination of a desperate shortage of water in the southern portion of the County of San Luis Obispo. The clarification of the eminent domain powers of the district as specified in this act will serve a necessary and desirable public purpose and affect material economies in the cost thereof. To accomplish these purposes it is necessary that this act take effect immediately.

CHAPTER 647

An act to amend Sections 19480, 19485, 19486, 19487, 19490, 19550, 19569, 19571, 19596, and 19620 of, and to repeal Article 6 (commencing with Section 19530) of Chapter 4 of Division 8 of, and to add Sections 19414.5, 19491.5 and 19491.6 to, and to add Article 6 (commencing with Section 19530) to Chapter 4 of Division 8 of, the Business and Professions Code, relating to horseracing declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 1967. Filed with Secretary of State July 10, 1967.]

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

SECTION 1. The act shall be known as the Horse Racing Act of 1967.

SEC. 2. The purpose of this act is to subserve the purposes of the California Horse Racing Law as set forth in Section 19401 of the Business and Professions Code.

SEC. 3. Section 19414.5 is added to the Business and Professions Code, to read:

19414.5. "Racing days" are days on which a licensed racing association is authorized by the board to conduct horseracing. "Racing weeks" are weeks during which a licensed racing association is authorized by the board to conduct horseracing for a minimum of five racing days. Fractional racing weeks may be authorized by the board at the beginning and end of any horseracing meeting but shall not total more than one week, provided, that if a licensed racing association holds a split meeting pursuant to subdivision (d) of Section 9532, each part of such a split meeting shall be deemed a horseracing meeting, solely for the purposes of authorizing fractional "racing weeks" under this section.

SEC. 4. Section 19480 of the Business and Professions Code is amended to read:

19480 The board may issue to any person who makes application therefor in writing, who has complied with the provisions of this chapter, and who makes the deposit to secure payment of the license fee imposed by this article, a license to conduct a horseracing meeting in accordance with this chapter

at the track specified in the application; provided, the board determines that the issuance thereof will be in the public interest and will subserve the purposes of this chapter.

SEC. 4.1. Section 19485 of the Business and Professions Code is amended to read:

19485. The board shall not issue a license to conduct a horseracing meeting at any place, track or inclosure, not used for horseracing meetings prior to July 1, 1941, unless prior to the beginning of the construction or preparation of such track for horseracing meetings, the board, upon application in such form as it may require, has determined that the conduct of horseracing meetings at such track will be in the public interest and will subserve the purposes of this chapter.

This section does not apply in respect to any track of not less than five-eighths of one mile in circumference or length partially or entirely in the infield of a mile track constructed and operated by a thoroughbred licensee under this article provided that such infield track is to be used solely for thoroughbred racing.

SEC. 4.2. Section 19486 of the Business and Professions Code is amended to read:

19486. No license shall be granted to conduct a horserace meeting upon a track less than one mile in circumference or length to any applicant other than the California State Fair and Exposition, the California State Exposition and Fair, a county fair, district agricultural association, or applicant for harness racing, quarter horse racing or Appaloosa racing.

SEC. 4.3. Section 19487 of the Business and Professions Code is amended to read:

19487. Notwithstanding Section 19486, any licensed racing association operating a racetrack may construct another track of not less than one-half mile in circumference or length partially or entirely in the infield of such track, if prior to the beginning of construction or preparation of such track for horserace meetings, the board has determined upon application, in such form as it may require, that the conduct of horserace meetings at such track will be in the public interest and subserve the purposes of this chapter. A license may be granted to any harness racing association to conduct a harness racing meeting upon such a track of less than one mile.

SEC. 5. Section 19490 of the Business and Professions Code is amended to read:

19490. Each application for a license to conduct a horseracing meeting shall be accompanied by a deposit to secure the payment of any license fee imposed by this article, in the form of a certified check payable to the Treasurer of the State of California, in the amount of ten thousand dollars ($10,000).

SEC. 6. Section 19491.5 is added to the Business and Professions Code, to read:

19491.5. Notwithstanding the provisions of subdivision (f) of Section 19491, an association, including the California State Fair and Exposition or the California State Exposition

and Fair or a county or district agricultural association fair, which conducts a horseracing meeting during the preceding year at which the total amount handled in the parimutuel pools operated by the association is not more than one hundred twenty-five million dollars ($125,000,000) shall be exempt from payment of that portion of the license fee provided in subdivision (f) of Section 19491 on the amount handled by it under fifty million dollars ($50,000,000).

SEC. 7. Section 19491.6 is added to the Business and Professions Code, to read:

19491.6. The exempt amount retained by the association, exclusive of that portion deducted by the association as commission pursuant to Section 19596, shall be regularly deposited in a separate account with a depository approved by the board. The funds deposited shall be distributed pursuant to a program mutually agreed upon by the association and the organization representing the horsemen at the association horseracing meeting. If mutual agreement on a program of distribution is not reached the association or such organization, or both, may file during the current horseracing meeting of the qualifying association or within 60 days thereafter, a petition for the use of such funds with the board. The board shall act upon the petition and render its decision as to the use of such funds in consideration of the intent and purpose of this section which is to improve purse distribution.

Within one year following the close of any racing meeting, each qualifying association shall account to the board on the distribution of such funds. All such funds which have not been distributed or set aside for expenditures approved by the board shall be paid into the General Fund of the state

Sections 19491.5 and 19491 6 shall be operative only until December 31, 1972, provided that any amounts authorized for distribution by the board but not actually distributed prior to the termination date of this section shall be distributed as determined by the board, notwithstanding the termination date of this section.

SEC. 8. Article 6 (commencing with Section 19530) of Chapter 4 of Division 8 of the Business and Professions Code is repealed.

SEC. 9. Article 6 (commencing with Section 19530) is added to Chapter 4 of Division 8 of the Business and Professions Code, to read:

Article 6. Racing Days and Weeks

19530. The board shall have the authority to allocate racing weeks to an applicant or applicants pursuant to the provisions of this article and to specify such dates for horseracing meetings as will be in the public interest and will subserve the purposes of this chapter.

19531. The maximum number of racing weeks which may be allocated for horseracing other than at the California State

Fair and Exposition or the California State Exposition and Fair, county or district agricultural association fairs shall be as follows:

(a) For thoroughbred racing, 33 weeks per year north of the sixth standard parallel south, Mount Diablo base, and 41 weeks per year south of said parallel.

(b) For harness racing, 11 weeks per year north of said parallel and 13 weeks per year south of said parallel.

(c) For quarter horse racing, 11 weeks per year north of said parallel and 13 weeks per year south of said parallel.

(d) In its written application for a license, an applicant shall state the time of day (subject to Section 19571) during which it will conduct its racing meeting, and particularly the first race starting time for the various racing days. After receiving a license, a licensee shall not change such first race starting time without securing prior approval of the board.

19532. (a) Any association licensed to conduct thoroughbred racing north of the sixth standard parallel south, Mount Diablo base, may receive no more than 11 weeks of such racing.

(b) Any association licensed to conduct thoroughbred racing south of the sixth standard parallel south, Mount Diablo base, may receive no more than 15 weeks of such racing.

(c) Subject to the maximum number of racing weeks which may be allocated in the north and in the south to harness racing under subdivision (b) of Section 19531 and to quarter horse racing under subdivision (c) of Section 19531, the board shall not be limited in the number of racing weeks it may allocate to any one association under subdivision (b) or (c) of Section 19531.

(d) With the consent of the applicant association, the board may grant a license for a horseracing meeting which provides for a split meeting, but the parts of any split meeting shall be added together and be deemed to constitute one meeting, except as provided in Section 19414.5.

(e) This section and Section 19531 shall not operate to deprive any association of any weeks of racing granted during the previous calendar year.

(f) This section and Sections 19531 and 19534 shall not operate to deprive the California State Fair and Exposition of any weeks of racing granted during the previous calendar year, and the board may continue to allocate such weeks of racing to the California State Exposition and Fair Executive Committee, the nonprofit corporation conducting and operating the new State Exposition and Fair under contract with the executive committee, or any lessee of the racing facilities of the new site at such time as racing is no longer conducted by the California State Fair and Exposition and is conducted at the new site.

Nothing in this subdivision or in Section 19534 shall be construed as a limitation on the board allocating racing weeks to any private racing association as a lessee of the California

State Exposition and Fair new racetrack facility pursuant to Sections 19531 and 19532.

19533. Any license granted to an association other than a fair shall be only for one type of racing, thoroughbred, harness or quarter horse racing as the case may be.

19533.1. Notwithstanding the provisions of Section 19533, the board may, upon application by an association licensed to conduct harness or quarter horse racing, allow such licensee to conduct a combination meeting of harness and quarter horse races, totaling no more than the number of races per day permitted for a combination meeting prior to the effective date of this section, provided that the board determines that there is not sufficient competition for one type of racing and such combination meeting does not add to or diminish the number of weeks of racing which may be allocated to the association for the type of racing originally granted by the board under Section 19531.

19534. The maximum number of racing days which may be allocated to the California State Fair and Exposition or California State Exposition and Fair or a county or district agricultural association fair shall be 14 days per year in any one county. Such racing days shall be days on which general fair activities are conducted.

19535. The maximum number of racing days which may be allocated for Appaloosa racing is 100 days. Such racing days shall be concurrent with racing days allocated to quarter horse and harness racing and may be allocated only to the California State Fair and Exposition or California State Exposition and Fair or a county or district agricultural association fair.

SEC. 10. Section 19550 of the Business and Professions Code is amended to read:

19550. The board shall require each licensed racing association which conducts more than 11 weeks of racing to designate at least five racing days and any other licensed racing association except the California State Fair and Exposition or California State Exposition and Fair or a county or district agricultural association fair to designate at least three racing days during any one meeting, to be conducted as charity days by such licensee for the purpose of distribution of the net proceeds therefrom as hereinafter defined to beneficiaries through the distributing agent, as provided herein.

SEC. 10.5. Section 19569 of the Business and Professions Code is amended to read:

19569. In order to encourage and develop the racing of quarter horses:

(a) Whenever the California State Fair and Exposition or the California State Exposition and Fair or a district or county fair conducts a program of horseraces on which there is parimutuel wagering it shall, so far as practicable, provide a program of quarter horse racing on the same days that it provides a program of other types of horseracing, if sufficient

quarter horses are available to provide competition in one or more quarter horse races.

Such quarter horse events may be in addition to the customary number of thoroughbred or standard-bred events.

SEC. 11. Section 19571 of the Business and Professions Code is amended to read:

19571. No horserace authorized by the board shall be commenced after midnight.

SEC. 12. Section 19620 of the Business and Professions Code is amended to read:

19620. Fees, commissions, and other money received by the board, except that part of any license fee for conducting a horseracing meeting, including the portion attributable to breakage, in excess of 4 percent of the gross amount of money handled in the parimutuel pool or twenty million dollars ($20,000,000), whichever is the lesser, and except as otherwise provided in Sections 19640 and 19641, shall be paid into the State Treasury to the credit of the "Fair and Exposition Fund."

SEC. 13. To assist the Legislature in determining the effect of this act upon the economic condition of racing associations, breeding farms, and racing stables in this state, the Horse Racing Board shall prepare, in addition to its annual report, a special progress report on the implementation of the provisions of this act to be submitted to the Governor and the Legislature no later than March 31, 1968, and a final report submitted no later than March 31, 1969.

The special progress report shall be in such form as the board deems appropriate and shall set forth the following information:

(1) The action taken by the board in allocating weeks of thoroughbred, harness and quarter horse horseracing as permitted by this act;

(2) Any problems encountered by the board in the allocation of weeks of racing to provide for the development of north-south simultaneous thoroughbred racing and the introduction of night racing; and

(3) The action taken by the board in allocating weeks of racing to associations conducting meetings north of the sixth standard parallel south, Mount Diablo base with respect to the California State Fair and Exposition, the California State Exposition and Fair, or county or district agricultural association fairs at which a horserace meeting is conducted.

The final report shall be in such form as the board deems appropriate and shall set forth the forthcoming information:

(1) The action taken by the board in allocating weeks of thoroughbred, harness and quarter horse horseracing as permitted by this act;

(2) Any problems encountered by the board in the allocation of weeks of racing to provide for the development of north-south simultaneous thoroughbred racing and the introduction of night racing;

(3) The action taken by the board in allocating weeks of racing to associations conducting meetings north of the sixth standard parallel south, Mount Diablo base with respect to the California State Fair and Exposition, the California State Exposition and Fair, or county or district agricultural association fairs at which a horserace meeting is conducted;

(4) The feasibility of licensing additional racing associations and providing additional racing opportunities north of the sixth standard parallel south, Mount Diablo base and the utilization of the California State Exposition and Fair racetrack facility for the conduct of horserace meetings;

(5) The necessity for retaining the exception to Section 19533 for combination meetings as provided in Section 19533.1;

(6) The utilization of that portion of the license fee derived from breakage that is exempt from payment by an association handling less than one hundred twenty-five million dollars ($125,000,000) for improving the caliber of racing and parimutuel handle pursuant to a program approved by the board;

(7) The impact of the allocation of the racing calendar upon associations conducting meetings north of the sixth standard parallel south, Mount Diablo base;

(8) The impact of improved purse distribution upon associations conducting meetings with a total handle less than one hundred twenty-five million dollars ($125,000,000); and

(9) The increase in the total net income from racing received by associations resulting from the allocation of additional weeks of racing pursuant to this act, the increase in license fees paid by associations resulting from the allocation of additional weeks of racing pursuant to this act, and such other information as the board may determine (including the amount of profit per share and ratio of profits per share to current market price) to fairly present the financial impact upon associations and their shareholders resulting from the allocation of additional weeks of racing pursuant to this act

SEC. 14. The location within a city of a track or inclosure used for horseracing meetings necessarily increases certain municipal costs relating to such horseracing meetings and it is therefore fitting and proper that any city, whether general law or chartered, wherein such a track or inclosure is located, should be able to levy an appropriate admission tax Nothing in Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code shall be construed to preclude any such city from doing so.

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 such necessity are:

This act constitutes a substantial revision of the Horse Racing Law and the allocation of racing days and weeks. In order

for the changes which it makes to be effective before the California Horse Racing Board allocates racing days for the 1968 calendar year, and to insure that the state maximizes additional revenue for the General Fund which would be made possible by implementation of the provisions of this act, it is imperative that this act become effective immediately.

CHAPTER 648

An act to amend Section 69894.3 of the Government Code, relating to court employee benefits.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 69894.3 of the Government Code is amended to read:

69894.3. Employees of the superior court in each county having a population of over 2,000,000 shall be entitled to such step advancement, vacation, sick leave, holiday benefits and other leaves of absence and other benefits as may be directed by rules of the court. Where statutes require implementation by local ordinances for the extension of benefits to local officers and employees, these may be made applicable by rule to court personnel, including but not limited to jurors, and judges.

Such benefits shall also include the same lump sum payments for sick leave and vacation for the superior court employees when they are separated from the service as are made to county employees of such county.

Court employees under this section shall have the right to transfer to other departments in the county government, subject to the approval of the board of supervisors, the county charter, and other usual conditions which may be placed upon such a transfer, including, but not limited to, a requirement that the transferee successfully complete an appropriate civil service examination. Such right of transfer shall not give any such employee any additional rights by reason of his employment with the court, other than those to which he would have been entitled if such employment had been with a different department of the county government.

Employment by the court shall be deemed to be employment by the county, if approved by rule of court, for the purpose of determining a court employee's rights with respect to a county's ordinances providing for salary step advancements and other employee benefits and rights, including, but not limited to, amount of compensation, vacations, sick leave, and accumulated sick leave.

In any such county such attachés may be voluntarily transferred from a position in one judicial district to a position in another within the county and promoted or voluntarily demoted from a position in one judicial district to a position in another within the county in substantially the same manner as transfers, demotions and promotions are authorized generally in county departments or between departments of the county.

Rules of the court may include other matters pertaining to the general administration of the court, including conditions of employment of court personnel, including but not limited to jurors and judges. When such rules are adopted by a majority of the judges and filed with the Judicial Council they shall have the same status as other rules of court adopted pursuant to Section 68070 of this code.

When requested to do so by the court the county shall through the county civil service commission furnish to the court such services as may be required in connection with the recruitment and employment of court officers and employees.

CHAPTER 649

An act to amend Section 262 of, and to add Section 271.6 to, the Revenue and Taxation Code, relating to tax exemptions, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 262 of the Revenue and Taxation Code is amended to read:

262. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1960, 1961, 1962, 1963, 1964, 1965, 1966 or 1967 on property as to which the church exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 2. Section 271.6 is added to the Revenue and Taxation Code, to read:

271.6. Any tax or penalty, or interest thereon, for any fiscal year commencing during the calendar year 1966 on property owned by any organization qualified for the welfare exemption pursuant to Section 214 which was acquired by it during that calendar year after the lien date in that year but prior to the commencement of such fiscal year, and of a kind that presently qualifies for the welfare exemption and

that would have so qualified for such fiscal year had it been owned by such organization on such lien date, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected. Any cancellation or refund made pursuant to this section shall be made notwithstanding any limitation upon the time within which such cancellation or refund could otherwise be made.

SEC. 3. 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 such necessity are:

Some organizations qualified for the welfare exemption pursuant to Section 214 purchased property during the 1966 calendar year, after the lien date for that year, which property was taxed for the fiscal year 1966–67, although it would have been exempt from taxation for that year by reason of the welfare exemption had it been acquired prior to such lien date. Some organizations qualified for the church exemption failed to file for the exemption on time because the deadline date for this year was changed from the first Monday in May to April 15 If required to meet such tax obligation, the ability of such organizations to function effectively will be seriously impaired to the great detriment of our state. This act will remedy that situation, and in so doing, the public policy of the state for the exemption of property owned by welfare organizations or churches, as expressed in Sections 1c and 1½ of Article XIII of the Constitution, will be subserved and the state as a whole will benefit.

CHAPTER 650

An act to amend Sections 776, 952, 992, 1012, 1017, 1152, 1201, 1600, 1603, and 1605 of, to add Section 669 to, and to repeal Section 1602 of, the Evidence Code, relating to evidence.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 669 is added to the Evidence Code, to read:

669. (a) The failure of a person to exercise due care is presumed if:

(1) He violated a statute, ordinance, or regulation of a public entity;

(2) The violation proximately caused death or injury to person or property;

(3) The death or injury resulted from an occurrence of the nature which the statute, ordinance, or regulation was designed to prevent; and

(4) The person suffering the death or the injury to his person or property was one of the class of persons for whose protection the statute, ordinance, or regulation was adopted.

(b) This presumption may be rebutted by proof that:

(1) The person violating the statute, ordinance, or regulation did what might reasonably be expected of a person of ordinary prudence, acting under similar circumstances, who desired to comply with the law; or

(2) The person violating the statute, ordinance, or regulation was a child and exercised the degree of care ordinarily exercised by persons of his maturity, intelligence, and capacity under similar circumstances, but the presumption may not be rebutted by such proof if the violation occurred in the course of an activity normally engaged in only by adults and requiring adult qualifications.

SEC. 2. Section 776 of the Evidence Code is amended to read:

776. (a) A party to the record of any civil action, or a person identified with such a party, may be called and examined as if under cross-examination by any adverse party at any time during the presentation of evidence by the party calling the witness.

(b) A witness examined by a party under this section may be cross-examined by all other parties to the action in such order as the court directs; but, subject to subdivision (e), the witness may be examined only as if under redirect examination by:

(1) In the case of a witness who is a party, his own counsel and counsel for a party who is not adverse to the witness.

(2) In the case of a witness who is not a party, counsel for the party with whom the witness is identified and counsel for a party who is not adverse to the party with whom the witness is identified.

(c) For the purpose of this section, parties represented by the same counsel are deemed to be a single party.

(d) For the purpose of this section, a person is identified with a party if he is:

(1) A person for whose immediate benefit the action is prosecuted or defended by the party.

(2) A director, officer, superintendent, member, agent, employee, or managing agent of the party or of a person specified in paragraph (1), or any public employee of a public entity when such public entity is the party.

(3) A person who was in any of the relationships specified in paragraph (2) at the time of the act or omission giving rise to the cause of action.

(4) A person who was in any of the relationships specified in paragraph (2) at the time he obtained knowledge of the matter concerning which he is sought to be examined under this section.

(e) Paragraph (2) of subdivision (b) does not require counsel for the party with whom the witness is identified and counsel for a party who is not adverse to the party with whom the witness is identified to examine the witness as if under redirect examination if the party who called the witness for examination under this section:

(1) Is also a person identified with the same party with whom the witness is identified.

(2) Is the personal representative, heir, successor, or assignee of a person identified with the same party with whom the witness is identified.

SEC. 3. Section 952 of the Evidence Code is amended to read:

952. As used in this article, "confidential communication between client and lawyer" means information transmitted between a client and his lawyer in the course of that relationship and in confidence by a means which, so far as the client is aware, discloses the information to no third persons other than those who are present to further the interest of the client in the consultation or those to whom disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the lawyer is consulted, and includes a legal opinion formed and the advice given by the lawyer in the course of that relationship.

SEC. 4. Section 992 of the Evidence Code is amended to read:

992. As used in this article, "confidential communication between patient and physician" means information, including information obtained by an examination of the patient, transmitted between a patient and his physician in the course of that relationship and in confidence by a means which, so far as the patient is aware, discloses the information to no third persons other than those who are present to further the interest of the patient in the consultation or those to whom disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the physician is consulted, and includes a diagnosis made and the advice given by the physician in the course of that relationship.

SEC. 5. Section 1012 of the Evidence Code is amended to read:

1012. As used in this article, "confidential communication between patient and psychotherapist" means information, including information obtained by an examination of the patient, transmitted between a patient and his psychotherapist in the

course of that relationship and in confidence by a means which, so far as the patient is aware, discloses the information to no third persons other than those who are present to further the interest of the patient in the consultation or examination or those to whom disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose of the consultation or examination, and includes a diagnosis made and the advice given by the psychotherapist in the course of that relationship.

SEC. 6. Section 1017 of the Evidence Code is amended to read:

1017. There is no privilege under this article if the psychotherapist is appointed by order of a court to examine the patient, but this exception does not apply where the psychotherapist is appointed by order of the court upon the request of the lawyer for the defendant in a criminal proceeding in order to provide the lawyer with information needed so that he may advise the defendant whether to enter or withdraw a plea based on insanity or to present a defense based on his mental or emotional condition.

SEC. 7. Section 1152 of the Evidence Code is amended to read:

1152. (a) Evidence that a person has, in compromise or from humanitarian motives, furnished or offered or promised to furnish money or any other thing, act, or service to another who has sustained or will sustain or claims that he has sustained or will sustain loss or damage, as well as any conduct or statements made in negotiation thereof, is inadmissible to prove his liability for the loss or damage or any part of it.

(b) This section does not affect the admissibility of evidence of:

(1) Partial satisfaction of an asserted claim or demand without questioning its validity when such evidence is offered to prove the validity of the claim; or

(2) A debtor's payment or promise to pay all or a part of his preexisting debt when such evidence is offered to prove the creation of a new duty on his part or a revival of his preexisting duty.

SEC. 8. Section 1201 of the Evidence Code is amended to read:

1201. A statement within the scope of an exception to the hearsay rule is not inadmissible on the ground that the evidence of such statement is hearsay evidence if such hearsay evidence consists of one or more statements each of which meets the requirements of an exception to the hearsay rule.

SEC. 9. Section 1600 of the Evidence Code is amended to read:

1600. (a) The record of an instrument or other document purporting to establish or affect an interest in property is prima facie evidence of the existence and content of the original recorded document and its execution and delivery by each person by whom it purports to have been executed if:

(1) The record is in fact a record of an office of a public entity; and

(2) A statute authorized such a document to be recorded in that office.

(b) The presumption established by this section is a presumption affecting the burden of proof.

SEC. 10. Section 1602 of the Evidence Code is repealed.

SEC. 11. Section 1603 of the Evidence Code is amended to read:

1603. A deed of conveyance of real property, purporting to have been executed by a proper officer in pursuance of legal process of any of the courts of record of this state, acknowledged and recorded in the office of the recorder of the county wherein the real property therein described is situated, or the record of such deed, or a certified copy of such record, is prima facie evidence that the property or interest therein described was thereby conveyed to the grantee named in such deed. The presumption established by this section is a presumption affecting the burden of proof.

SEC. 12. Section 1605 of the Evidence Code is amended to read:

1605. Duplicate copies and authenticated translations of original Spanish title papers relating to land claims in this state, derived from the Spanish or Mexican governments, prepared under the supervision of the Keeper of Archives, authenticated by the Surveyor-General or his successor and by the Keeper of Archives, and filed with a county recorder, in accordance with Chapter 281 of the Statutes of 1865–66, are admissible as evidence with like force and effect as the originals and without proving the execution of such originals.

CHAPTER 651

An act to amend Section 21403 of the Public Utilities Code, relating to aircraft.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 21403 of the Public Utilities Code is amended to read:

21403. (a) Flight in aircraft over the land and waters of this state is lawful, unless at altitudes below those prescribed by federal authority, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his consent, is unlawful except in the case of a forced landing. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.

(b) The landing, takeoff or taxiing of an aircraft on a public freeway, highway, road, or street is unlawful except:

(1) In the case of a forced landing; or

(2) A landing during a natural disaster or other public emergency if the landing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road, or street; or

(3) When the landing, takeoff or taxiing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road or street.

(c) The right of flight in aircraft includes the right of safe access to public airports, which includes the right of flight within the zone of approach of any public airport without restriction or hazard. The zone of approach of an airport shall conform to the specifications of the Technical Standard Order of the Civil Aeronautics Administration of the Department of Commerce designated TSO-N18.

CHAPTER 652

An act to amend Sections 20001 and 20002 of the Vehicle Code, relating to accidents involving property damage.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 20001 of the Vehicle Code is amended to read:

20001. The driver of any vehicle involved in an accident resulting in injury to any person, other than himself, or death of any person shall immediately stop the vehicle at the scene of the accident and shall fulfill the requirements of Sections 20003 and 20004.

Any person failing to comply with all the requirements of this section under such circumstances is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not to exceed one year or by fine of not to exceed five thousand dollars ($5,000) or by both.

SEC. 2. Section 20002 of the Vehicle Code is amended to read:

20002. (a) The driver of any vehicle involved in an accident resulting in damage to any property including vehicles shall immediately stop the vehicle at the scene of the accident and shall then and there either:

(1) Locate and notify the owner or person in charge of such property of the name and address of the driver and owner of the vehicle involved, or;

(2) Leave in a conspicuous place on the vehicle or other property damaged a written notice giving the name and address of the driver and of the owner of the vehicle involved and a statement of the circumstances thereof and shall without unnecessary delay notify the police department of the city wherein the collision occurred or, if the collision occurred in unincorporated territory, the local headquarters of the Department of the California Highway Patrol.

Any person failing to comply with all the requirements of this section is guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not to exceed six months or by a fine of not to exceed five hundred dollars ($500) or by both

(b) Any person who parks a vehicle which, prior to the vehicle again being driven, becomes a runaway vehicle and is involved in an accident resulting in damage to any property, attended or unattended, shall comply with the requirements of this section, relating to notification and reporting and will upon conviction thereof, be liable to the penalties of this section for failure to comply with said requirements.

CHAPTER 653

An act to amend Sections 69948, 69949, 70044.5, 70045.9, 70046.2, 70047, 70047.5, 70048, 70050.5, 70056, 70057, 70102, 70127, 72195, 73096, 73342, 73343, 73347, 73526, 73606, 73649, 74306 and 74351 of, and to add Sections 70049.5, 70050.7, and 74352 to, and to repeal Sections 74352 and 74353 of, the Government Code, relating to official court reporters.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 69948 of the Government Code is amended to read:

69948. The fee for reporting testimony and proceedings in contested cases is forty-five dollars ($45) a day, or any fractional part thereof.

SEC. 1.3. Section 69949 of the Government Code is amended to read:

69949. The fee for reporting each default or uncontested action or proceeding is ten dollars ($10). If more than four defaults or uncontested matters are reported in any one day, or two or more defaults are reported in conjunction with any contested case, the fee is forty-five dollars ($45) a day, or any fractional part thereof.

SEC. 1.5. Section 70044.5 of the Government Code is amended to read:

70044.5. In a county with a population of 430,000 or more and under 480,000, as determined by the 1960 federal census,

the annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be eleven thousand six hundred dollars ($11,600) and the compensation of official reporters pro tempore shall be at the rate of forty-five dollars ($45) a day, or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Each official reporter shall perform the duties required of him by law. When not actually engaged in the performance of any other duty imposed on him by this code, he shall render stenographic or clerical assistance, or both, to the judge or judges of the superior court as such judge or judges may direct. In addition to the compensation otherwise provided by law, any reporter required to render such stenographic or clerical assistance shall receive such compensation therefor as the superior court may prescribe, not to exceed the sum of seventy-five dollars ($75) per month, which shall be payable by the county in the same manner and from the same funds as other salary demands against the county.

SEC. 1.6. Section 70045.9 of the Government Code is amended to read:

70045.9. Notwithstanding the provisions of Section 70045 of this code, in any county having a population of 58,000 and not over 61,000, as determined by the 1960 federal census, each regular official court reporter shall receive an annual salary of seven thousand five hundred dollars ($7,500) payable in monthly installments out of the salary fund of the county, for the reporting and taking notes in criminal cases in the superior court, and hearings in the juvenile court and in the preliminary examinations of those accused of crime before magistrates, and of proceedings before the grand jury and at coroner's inquests when requested by the coroner, plus per diem, as provided in Section 69948 of this code, for each day after first day of hearing in all proceedings above set forth, and for other services the said reporters shall receive the fees provided for in Article 9 (commencing at Section 69941), Chapter 5, Title 8 of this code, the said fees in civil cases to be paid by the litigants as provided by law.

Reporters pro tempore shall be paid a per diem as provided in Section 69948 of this code and other fees set forth in Article 9, Chapter 5, Title 8 of this code, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties, but a reporter pro tempore shall be paid a per diem or expenses by the county

only when the regular official court reporters are occupied in the superior court, juvenile hearings or at preliminary examinations, grand jury hearings or coroner's inquests.

SEC. 2. Section 70046.2 of the Government Code is amended to read:

70046.2. In a county with a population of over 350,000 and not over 390,000, as determined by the 1960 federal decennial census, each reporter shall be paid an annual salary of ten thousand eight hundred dollars ($10,800) and each pro tempore reporter shall be paid forty-five dollars ($45) per day for the days he actually is on duty under order of the court. In such a county, the fee required by Section 70053 shall be eight dollars and fifty cents ($8.50).

SEC. 3. Section 70047 of the Government Code is amended to read:

70047. In a county with a population of over 395,000 and under 420,000, as determined on the basis of the 1960 federal census, each regular official reporter shall be paid an annual salary of twelve thousand five hundred four dollars ($12,504), and each pro tempore official reporter shall be paid fifty dollars ($50) a day for the days he actually is on duty under order of the court.

During the hours which the court is open for the transaction of the judicial business, the regular official reporter shall perform the duties required by law. When not engaged in the performance of any other duty imposed upon him by law, he shall render stenographic or clerical assistance to the judge of the court to which he is assigned as such judge may direct.

SEC. 3.5. Section 70047.5 of the Government Code is amended to read:

70047.5. In a county with a population of 147,000 and not over 149,000, as determined by the 1960 federal census, each regular official reporter shall be paid an annual salary of twelve thousand dollars ($12,000), which salary shall include payment for his services in reporting proceedings by the grand jury, the coroner and the district attorney.

Reporters pro tempore shall be paid at the rate of forty-five dollars ($45) a day for the days they are actually on duty under order of the court, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties.

Regular official reporters shall be entitled to the same privileges with respect to retirement, vacation, sick leave and other benefits allowed to employees of the county.

In such a county the fee required by Section 70053 shall be ten dollars ($10).

SEC. 4. Section 70048 of the Government Code is amended to read:

70048. In a county with a population of 1,000,000 and under 2,000,000, as determined by the 1960 federal census, regular official phonographic reporters shall be paid an annual salary of fourteen thousand four hundred dollars ($14,400).

Official phonographic reporters pro tempore shall be compensated at the rate of fifty dollars ($50) a day, or any fractional part thereof.

SEC. 4.5. Section 70049.5 is added to the Government Code, to read:

70049.5. In a county with a population of over 32,000 and under 33,000, as determined by the 1960 federal census, each regular official reporter shall receive as full compensation an annual salary of ten thousand dollars ($10,000).

SEC. 5. Section 70050.5 of the Government Code is amended to read:

70050.5. In each county with a population of 730,000 and under 850,000, as determined by the 1960 federal census, the annual salary of the regular official phonographic reporters shall be fourteen thousand four hundred dollars ($14,400), and the compensation of the official phonographic reporters pro tempore shall be at the rate of fifty dollars ($50) a day, or any fractional part thereof.

SEC. 6. Section 70050.7 is added to the Government Code, to read:

70050.7. Notwithstanding the provisions of Section 69948 of this code, in counties with a population of 62,000 and under 65,800, as determined by the 1960 federal census, the fee for official court reporters and court reporters pro tempore is fifty dollars ($50) per day for reporting proceedings in contested cases.

SEC. 7. Section 70056 of the Government Code is amended to read:

70056. In a county with a population of over 295,000 and under 500,000, the fee required by Section 70053 shall be ten dollars ($10).

SEC. 7.5. Section 70057 of the Government Code is amended to read:

70057. In a county with a population of 1,000,000 and under 2,000,000, as determined by the 1960 federal census, the fee required by Section 70053 shall be nine dollars and fifty cents ($9.50).

SEC. 8. Section 70102 of the Government Code is amended to read:

70102. In each county with a population of 850,000 and under 1,000,000, as determined by the 1960 federal census, the annual salary of the regular official phonographic reporters shall be twelve thousand five hundred dollars ($12,500), and the compensation of the official phonographic reporters pro tempore shall be at the rate of forty-seven dollars and fifty cents ($47.50) a day, or any fractional part thereof. All phonographic reporters appointed at an annual salary pursuant to this section shall be allowed vacation leave and sick leave annually as provided in the annual salary ordinance for other county employees.

SEC. 9. Section 70127 of the Government Code is amended to read:

70127. Each regular official reporter shall be paid an annual salary of ten thousand dollars ($10,000), and each pro tempore official reporter shall be paid per day the amounts prescribed in Article 9 (commencing with Section 69941), Chapter 5, Title 8, for the days he is actually on duty under the order of the court.

SEC. 9.5. Section 72195 of the Government Code is amended to read:

72195. Government Code Sections 69942 to 69953, inclusive, and Section 273 of the Code of Civil Procedure are hereby made applicable to the qualifications, duties, official oath, certification of transcripts and fees of official reporters of municipal courts, except that the fee for reporting testimony and proceedings in contested cases, except for official reporters of municipal courts where a statute provides otherwise, is forty-five dollars ($45) a day, or any fractional part thereof.

SEC. 10. Section 73096 of the Government Code is amended to read:

73096. Official reporters of municipal courts in Alameda County, in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive thirty-five dollars ($35) a day for the days they actually are on duty under order of the court; provided, however, that when such reporting service is so performed in a judicial district having nine or more judges the compensation shall be forty-two dollars ($42) per day; provided, further, that not to exceed two official reporters in a judicial district having nine or more judges shall each receive an annual salary, vacation leave and sick leave, in the same amounts as the official reporters of the superior court in a county with a population of 850,000 and under 1,000,000, as determined by the 1960 federal census.

SEC. 11. Section 73342 of the Government Code is amended to read:

73342. Official reporters shall be appointed by the judges of each municipal court district pursuant to the provisions of Section 72194 and shall serve the pleasure of the judges.

In lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, they shall receive a salary of twelve thousand five hundred four dollars ($12,504) a year, which shall be a charge against the general fund of the county.

SEC. 12. Section 73343 of the Government Code is amended to read:

73343. Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in the sections for

reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive fifty dollars ($50) a day, which shall upon order of the court be a charge against the general fund of the county.

SEC. 13. Section 73347 of the Government Code is amended to read:

73347. In any civil action or proceeding, in addition to the fees required by Article 2 (commencing with Section 72050) of Chapter 8 of Title 8, a fee of ten dollars ($10) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceeding, in the following instances:

(a) Upon the filing of a complaint or other first paper.

(b) Upon the filing of the answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff.

(c) Upon the filing of papers transmitted from one court on the transfer of a civil action or special proceeding. The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court. All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 of Chapter 8 of Title 8.

SEC. 14. Section 73526 of the Government Code is amended to read:

73526. Official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be eleven thousand six hundred dollars ($11,600), and the compensation of official reporters pro tempore shall be at the rate of forty-five dollars ($45) a day, or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Each official reporter shall perform the duties required of him by law. When not actually engaged in the performance of any other duty imposed on him by this code, he shall render stenographic or clerical assistance, or both, to the judge or judges of the municipal court as such judge or judges may direct. In addition to the compensation otherwise provided by law, any reporter required to render such stenographic or clerical assistance shall receive such compensation therefor as the municipal court may prescribe, not to exceed the sum of

seventy-five dollars ($75) per month, which shall be payable by the county in the same manner and from the same funds as other salary demands against the county.

SEC. 15. Section 73606 of the Government Code is amended to read:

73606. Official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be eleven thousand six hundred dollars ($11,600), and the compensation of official reporters pro tempore shall be at the rate of forty-five dollars ($45) a day, or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Each official reporter shall perform the duties required of him by law. When not actually engaged in the performance of any other duty imposed on him by this code, he shall render stenographic or clerical assistance, or both, to the judge or judges of the municipal court as such judge or judges may direct. In addition to the compensation otherwise provided by law, any reporter required to render such stenographic or clerical assistance shall receive such compensation therefor as the municipal court may prescribe, not to exceed the sum of seventy-five dollars ($75) per month, which shall be payable by the county in the same manner and from the same funds as other salary demands against the county.

SEC. 16. Section 73649 of the Government Code is amended to read:

73649. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attachés of the court and in lieu of any other compensation provided by law for their services in reporting testimony in felony criminal proceedings in the court, shall receive a monthly salary of four hundred dollars ($400). The salary shall be a charge against the general fund of the county. For transcribing and for reporting proceedings other than felony criminal proceedings, the official reporters shall receive the fees provided by Sections 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county. Pursuant to Section 72194, the judge of the court may appoint as many additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore and they shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, which shall upon order of the court be a charge

against the general fund of the county. An official reporter or an official reporter pro tempore may be appointed to serve as such reporter in more than one municipal court in the County of San Diego.

SEC. 17. Section 74306 of the Government Code is amended to read:

74306. Official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be eleven thousand six hundred dollars ($11,600), and the compensation of official reporters pro tempore shall be at the rate of forty-five dollars ($45) a day, or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

Each official reporter shall perform the duties required of him by law. When not actually engaged in the performance of any other duty imposed on him by this code, he shall render stenographic or clerical assistance, or both, to the judge or judges of the municipal court as such judge or judges may direct. In addition to the compensation otherwise provided by law, any reporter required to render such stenographic or clerical assistance shall receive such compensation therefor as the municipal court may prescribe, not to exceed the sum of seventy-five dollars ($75) per month, which shall be payable by the county in the same manner and from the same funds as other salary demands against the county.

SEC. 18. Section 74351 of the Government Code is amended to read:

74351. Official reporters in the Municipal Court of the San Diego Judicial District appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court shall receive a salary in the same sum monthly or per diem as is paid the official reporters of the Superior Court in the County of San Diego. There shall also be one official reporter appointed by the court as chief reporter, such appointment to be entered upon the minutes of the court, who shall receive compensation in the sum of one hundred dollars ($100) per month in addition to any sum otherwise provided by this section. These salaries shall be a charge against the general fund of the county.

Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the

court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the same per diem as is paid the official reporters pro tempore of the superior court in the County of San Diego, which shall be a charge against the general fund of the County of San Diego.

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

Official reporters of such court shall be members of any retirement system maintained by the county. For the purpose of such retirement system the salary provided in this article for such reporters shall be deemed their entire compensation.

SEC. 19. Section 74352 of the Government Code is repealed.

SEC. 20. Section 74352 is added to the Government Code, to read:

74352. In any civil action or proceeding, in addition to the fees required by Sections 72054 to 72057, inclusive, a fee in accordance with the following fee schedule shall be paid to the clerk of the Municipal Court of the San Diego Judicial District by each party or jointly by parties appearing jointly, once only in any such action or proceeding, in the following instances:

(a) Upon the filing of a complaint or other first paper;

(b) Upon the filing of the answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff.

The fee schedule referred to above is as follows:

Action or proceeding	Fee
(1) Actions or proceedings involving less than $300.00 and actions or proceedings for possession where no recovery of money is sought	$0
(2) Actions or proceedings involving $300.00 to $499.99	2.00
(3) Actions or proceedings involving $500.00 to $999.99	4.00
(4) Actions or proceedings involving $1,000.00 or more	8 00

SEC. 21. Section 74353 of the Government Code is repealed.

CHAPTER 654

An act to amend Sections 3.5, 5, and 6.2 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), relating to the Marin County Flood Control and Water Conservation District.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 3.5 of the Marin County Flood Control and Water Conservation District Act (Ch. 666, Stats. 1953) is amended to read:

Sec. 3.5. Before acquiring authority to proceed with the annexation to or establishment of any zone the exterior boundaries of which will include any land lying within the exterior boundaries of any chartered or incorporated city within the district, the board of supervisors shall first obtain the concurrence of such city to conduct such proceedings, such concurrence to be evidenced by a resolution or ordinance adopted by a majority of the members of the city council of such city, or by a vote of a majority of the qualified electors residing in such city or portion thereof to be included in said zone voting at any regular or special election on said proposition; such concurrence may be upon any conditions imposed by the city and accepted by the board of supervisors and said election shall in all particulars be held as provided by law for holding a municipal election in said city and the cost thereof shall be a city charge.

SEC. 2. Section 5 of the Marin County Flood Control and Water Conservation District Act (Ch. 666, Stats. 1953) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district.
3. To adopt a seal.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interest of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be to take water which flows in any watershed in said district and transport or sell same for use anywhere outside of the district when the water level of any

gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies or with the government of the United States, or with any municipality, public district or other public or private corporation or with the County of Marin, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and

privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Marin County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual, of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Marin County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

13 To exercise the right of eminent domain, within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken

unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or public district. The district shall also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the state in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the board of supervisors of said district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of supervisors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of such fee simple or any lesser estate or easement or interest as the case may be, is necessary; provided, however, that when the board of supervisors shall, by resolution or ordinance adopted by vote of four-fifths of all its members, have found and determined that the public interest and necessity require the acquisition, construction, or completion by said district of any public improvement for flood control purposes and that the property described in such resolution or ordinance is necessary therefor, such resolution or ordinance shall be conclusive evidence (a) of the public necessity of such proposed public improvement, (b) that such property is necessary therefor, and (c) that such proposed public improvement is planned or located in the manner which will be most compatible with the greatest public good, and the least private injury.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or public district to provide for a water supply for such city and county or public district, or as affecting the absolute control of any properties of such city and county or public district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in Marin County Flood Control

and Water Conservation District or in any officer thereof, or in any person referred to in this act.

SEC. 3. Section 6.2 of the Marin County Flood Control and Water Conservation District Act (Ch. 666, Stats. 1953) is amended to read:

Sec. 6.2. Upon the formation of each zone pursuant to the provisions of this act, the board of supervisors shall appoint a zone advisory board composed of either five or seven resident electors of said zone. Said zone advisory board shall be consulted by the board of supervisors or the commissioners of the district in all matters affecting such zone and no action relating to such matters shall be taken by either or both of said bodies until a report on the proposed action shall have been made by the zone advisory board. Said report by said zone advisory board shall be made within 30 days after the mailing to each of its members of a statement of proposed zone action and request for a report thereon by said zone advisory board. Said report may contain majority and minority opinions. If such report is not made within said 30-day period, the commissioners or the board of supervisors may proceed with the contemplated action notwithstanding the failure to file such report.

CHAPTER 655

An act to amend Section 23136 of the Government Code, relating to county boundaries.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 23136 of the Government Code is amended to read:

23136. The boundaries of San Bernardino County are as follows:

Beginning at the northwest corner of Sec. 1, T. 25 S., R. 40 E., M.D.B. & M.; thence east along the township line between T. 24 and 25 S. of the Mount Diablo base line, being the sixth standard south, Mount Diablo Base, and continuing east by said standard line and extension thereof, to the western boundary of T. 19 N., R. 12 E., San Bernardino Base and Meridian; thence north along said western boundary to the northern line of said township; thence east along the northern line of said township to the eastern boundary of the State of California, being the oblique boundary line between the states of California and Nevada, as surveyed and monumented by the U. S. Coast and Geodetic Survey in 1899 and approved by Act of the California Legislature on March 1, 1901, and by the state of Nevada on February 27, 1903; thence southeasterly along said interstate boundary to its intersection with the centerline of the channel of the Colorado River as constructed by the U. S.

Bureau of Reclamation, said point being common to the boundaries of Arizona, California, and Nevada, where the 35th degree of north latitude intersects the centerline of said channel, the above mentioned centerline being a portion of the interstate boundary between the States of Arizona and California as described in "Interstate Compact Defining the Boundary Between the States of Arizona and California", a certified copy of which is recorded and filed in the office of the County Recorder of San Bernardino County; thence downstream along said centerline to the southerly end of construction; thence, continuing downstream, along said interstate boundary to its intersection with the east and west center line of T. 1 S., R. 24 E., S.B.B. & M., or the prolongation thereof; thence westerly along the northern boundary of Riverside County to the corner common to Orange, Riverside, and San Bernardino Counties; thence northwesterly along the boundary line established by joint survey in December, 1876, and January, 1877, as the line between Los Angeles and San Bernardino Counties to the corner common to San Bernardino, Los Angeles and Orange Counties; thence northerly along the eastern boundary of Los Angeles County to the corner common to Los Angeles, Kern and San Bernardino Counties; situated at the northeast corner of T. 8 N., R. 8 W., S.B.B. & M.; thence east on the township line between T. 8 and 9 N. of San Bernardino base line to the section line between Secs. 32 and 33, T. 9 N., R. 7 W., S.B.B. & M.; thence north following section lines to the eighth standard parallel south of Mount Diablo base line; thence east along said eighth standard parallel to the southwest corner of T. 32 S., R. 41 E., M.D.B. & M.; thence north along the township line to the seventh standard parallel south of Mount Diablo base line; thence along said standard parallel to the southwest corner of Sec. 36, T. 28 S., R. 40 E., M.D.B. & M.; thence north along section lines to the southwest corner of Section 24, T.26 S., R 40 E; thence east along the south line of said Section 24 to an intersection with the east line of said Section 24; thence north along said east line, and continuing north along the east line of Section 13, same township and range, to an intersection with the north line of said Section 13; thence west along said north line and continuing west along the south line of Section 11, same township and range, to an intersection with the west line of said Section 11; thence north along said west line and continuing north along the west line of Section 2, same township and range, to an intersection with the north line of said Section 2; thence east along said north line to an intersection with the east line of said Section 2; thence north along section lines to the northwest corner of Sec. 1, T. 25 S., R. 40 E., M.D.B. & M., said point being the place of beginning.

That portion of the San Bernardino County boundary line which coincides with the Arizona-California Interstate Boundary is shown on a series of Planimetric Maps appearing in Exhibit "A" of above mentioned Interstate Compact.

Geographic Positions and Plane Coordinates of all boundary points mentioned in above description are listed in Exhibit "A" of said Interstate Compact.

CHAPTER 656

An act to amend Sections 9 and 10 of the Storm Drain Maintenance Act (Chapter 265, Statutes 1937), relating to storm drain maintenance.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 9 of the Storm Drain Maintenance Act (Chapter 265, Statutes of 1937) is amended to read:

Sec. 9. Any portion of a storm drain maintenance district which will not be benefited by remaining within such district may be withdrawn therefrom as in this section provided. Upon receiving a petition signed by 50 or more freeholders and residents within the territory desired to be withdrawn from any storm drain maintenance district, or by a majority of such freeholders and residents, if there are less than 100 freeholders and residents within the portion sought to be withdrawn, requesting the withdrawal of such portion from the district on the ground that such portion will not be benefited by remaining in said district, the board of supervisors shall fix a time and place for the hearing of such petition and protests thereto and for hearing protests to the continuance of the remaining territory as a storm drain maintenance district, which shall be not less than 15 days, nor more than 60 days after the receipt thereof. The said board shall, at least 10 days prior to the time so fixed, publish a notice of such hearing once a week for two successive weeks in a newspaper of general circulation, circulated in said district, or if there is no newspaper circulated in said district, then such publication shall be made in a newspaper of general circulation, circulated in the county in which said district is located, which the board deems most likely to give notice to the inhabitants thereof of the proposed withdrawal.

If the petition for withdrawal is signed by 100 percent of the owners of land, as shown on the last equalized assessment roll, in the territory proposed to be withdrawn, no notice need be published by newspaper.

Any person interested may appear at said hearing and object to the proposed withdrawal or to the continuance of the remaining territory as a storm drain maintenance district, and the board of supervisors shall consider the petition and all such objections and shall pass upon the same, and if it finds that said portion of the district sought to be withdrawn

will not be benefited by remaining within said district, and that the territory not sought to be withdrawn will be benefited by continuing as a storm drain maintenance district, then it shall grant said petition, and by resolution establish the boundaries of such district as reestablished after such withdrawal of territory, and such territory shall be withdrawn upon the filing of the certified copy of the resolution as provided in Section 4 hereof. Provided, however, that no withdrawal of territory from a storm drain maintenance district as provided in this section shall become effective unless and until any outstanding contract of such district has expired or such contract, with the consent of the parties thereto, has been modified or canceled so as to relieve such district of further obligation to pay for future maintenance within the territory so withdrawn. Upon the withdrawal of any territory from a storm drain maintenance district, as in this section provided, all property acquired for the district shall remain vested in the county and be used in the operation of the drainage facilities of the district.

SEC. 2. Section 10 of the Storm Drain Maintenance Act (Chapter 265, Statutes of 1937) is amended to read:

Sec. 10. The boundaries of any storm drain maintenance district may be altered and outlying territory, whether or not contiguous so long as the territory is within the same county, may be annexed thereto by proceedings taken in all respects the same as those provided herein for the formation of such districts, substituting, however, the appropriate words or words to denote annexation in place of formation After such annexation has been completed, the boundaries of the district shall thereupon include such annexed territory.

If the board of supervisors receives a statement signed by 100 percent of the owners of land, as shown on the last equalized assessment roll, in territory proposed to be annexed to a storm drain maintenance district, no publication by newspaper of notice of hearing need be made.

CHAPTER 657

An act to amend Section 257 of the Agricultural Code, and to repeal Section 10084 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to bovine tuberculosis, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 257 of the Agricultural Code is amended to read:

257. Notwithstanding the provisions of any other section of this article, whenever the director determines that bovine tuberculosis cannot be eradicated or effectively controlled in a particular herd by the usual recognized methods, and if the director determines that slaughter of the remaining exposed nonreacting animals in the herd is the best and most practical method of attaining such eradication or control, the director may, after entering into a voluntary agreement with the owner to carry out the purposes and conditions of this article, proceed with branding in the same manner as provided in Section 231 hereof, and require the slaughter of such animals and the disinfection of the premises involved No such procedure shall be undertaken unless and until funds are available to indemnify the owner. Such indemnity shall be the difference between the appraised value as determined by appraisement by a representative of the department, or a representative of the United States Department of Agriculture, and by the owner or his agent, and the proceeds of the sale of the salvage, but shall in no instance exceed two hundred dollars ($200) for any grade animal or three hundred dollars ($300) for any purebred animal less any sum authorized to be paid to him for indemnity purposes from any appropriation made by the United States to assist in the eradication of tuberculosis in cattle in California. In case of failure to agree on the valuation, the animal shall be appraised by the chief appraiser of the department or his representative. In either event, the value determined shall be final Indemnity provided by this section shall not be paid in any of the following cases:

(a) For any bovine animal reacting to the tuberculin test or showing lesions of tuberculosis at slaughter. In this case, the indemnity rate provided in Section 239 shall apply.

(b) For any bovine animal, unless all exposed cattle, swine, goats and poultry on the premises are slaughtered.

(c) For any bovine animal, until the premises where said animal has been kept have been cleaned and disinfected by the owner in a manner approved by an agent of the state or federal Departments of Agriculture.

(d) For any steer or grade bull.

(e) For any animal owned by the United States, State of California, or any county, city, town or township, in the state.

(f) When the owner is in violation of any provision of this article or any regulation made by the department relating thereto.

(g) For any animal which has not been slaughtered within 30 days after such animal has been appraised.

(h) For any bovine animal originating in another state or country that has not been in California for at least 90 days

SEC. 2. Section 10084 of the Agricultural Code, as proposed by Senate Bill No 1, is repealed.

SEC. 3. Section 2 of this act shall become operative only if the Agricultural Code as proposed by Senate Bill No. 1 is

enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 1 takes effect; at which time Section 257 of the Agricultural Code of 1933 as amended by Section 1 of this act is repealed.

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 such necessity are:

The continuation, without interruption, of an important segment of the bovine tuberculosis program requires the passage of this act immediately.

CHAPTER 658

An act to add Section 53068 to the Government Code, relating to bids on work let by local public agencies.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 53068 is added to the Government Code, to read:

53068. Any local agency, as defined in Section 54951 of the Government Code, which seeks to enter a contract that requires the letting of bids, shall specify in the public notice the place such bids are to be received and the time by which they shall be received. Any bids received by such local agency after the time specified in the notice shall be returned unopened.

CHAPTER 659

An act to amend Section 1619 of the Business and Professions Code, relating to dentistry.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 1619 of the Business and Professions Code is amended to read:

1619. The examination papers of any applicant shall be kept for the period of one year and may then be destroyed, but they shall be open to inspection only by members of the board, by the applicant or by someone appointed by the latter to inspect them, by a court of competent jurisdiction in a proceeding where the question of the contents of the papers is properly involved, or by the director in accordance with Section 110 or 153.

CHAPTER 660

An act to add Sections 126 and 127 to the Business and Professions Code, relating to reports of agencies in the Department of Professional and Vocational Standards.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 126 is added to the Business and Professions Code, to read:

126. Notwithstanding any other provision of this code, any board, commission, examining committee, or other similarly constituted agency within the department required prior to the effective date of this section to submit reports to the Governor under any provision of this code shall not be required to submit such reports.

SEC. 2. Section 127 is added to the Business and Professions Code, to read:

127. Notwithstanding any other provision of this code, the director may require such reports from any board, commission, examining committee, or other similarly constituted agency within the department as he deems reasonably necessary on any phase of their operations.

CHAPTER 661

An act to amend Section 2274 of the Civil Code, to repeal Section 1122 of, and to add Section 1122 to, the Probate Code, relating to trustees.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 2274 of the Civil Code is amended to read:

2274. If the declaration of trust contains provisions for a trustee's compensation, the trustee shall be entitled to be compensated in accordance therewith. Upon proper showing, the court may fix or allow greater compensation than could be allowed under the provisions of the trust (1) where the duties of the trustee are substantially greater than those contemplated at the creation of the trust, or (2) where the compensation in accordance with the provisions in the trust would be so unreasonably low that a competent trustee would not undertake to administer the trust, or (3) in other extraordinary circumstances. If a declaration of trust does not specify the trustee's compensation, the trustee shall be entitled to such

compensation as may be reasonable under the circumstances. Unless the declaration of trust provides or the trustees agree otherwise, if there are two or more trustees, the compensation shall be apportioned among the trustees according to the services rendered by them respectively. The superior court shall have jurisdiction to determine any compensation provided by this section in an action, brought by the trustee, to which all interested persons are made parties.

SEC. 2. Section 1122 of the Probate Code is repealed.

SEC. 3. Section 1122 is added to the Probate Code, to read:

1122. If the will contains provisions for a trustee's compensation, the trustee shall be entitled to be compensated in accordance therewith. Upon proper showing, the court may in the decree of distribution or thereafter fix or allow greater compensation than could be allowed under the provisions of the will (1) where the duties of the trustee are substantially greater than those contemplated by the testator at the time of the signing of the will, or (2) where the compensation in accordance with the provisions in the will would be so unreasonably low that a competent trustee would not undertake to administer the trust, or (3) in other extraordinary circumstances. If the will does not specify a trustee's compensation, the trustee shall be entitled to such compensation as may be reasonable under the circumstances and the court may, in the decree of distribution or thereafter, determine such reasonable compensation and, in its discretion, fix or allow a periodic compensation for the trustee or trustees, to continue as long as it may deem proper. Unless the will provides or the trustees agree otherwise, if there are two or more trustees, the compensation shall be apportioned among the trustees according to the services rendered by them respectively. On settlement of each account the court shall allow the testamentary trustee his proper expenses and compensation for services as provided herein.

CHAPTER 662

An act to amend Sections 5, 7, 13, 14, 15, and 19 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941), relating to the Monterey Peninsula Airport District.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 5 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941) is amended to read:

Sec. 5. General District Elections. A general district election shall be held therein on the first Tuesday after the first Monday in June in each even-numbered year. At each such

election members of the board of directors equal in number to the members whose terms on said board are expiring thereat, and upon the qualification of their successors, shall be elected for the term of four years each and until each of their successors have been elected and have qualified for such office. All such elections shall be noticed, held, the returns thereof canvassed and the results thereof declared in the manner prescribed by law for general municipal elections in general law cities and by the general laws so far as applicable; provided, however, that the powers and duties vested in governing bodies and city clerks, respectively, of general law cities, shall be vested in the board of directors and secretary thereof of the district.

At least 10 days prior to the date that candidates may be nominated for the office of director, the board shall publish in a newspaper of general circulation, which is circulated in the district, a notice stating the manner in which candidates may be nominated, the last date on which nominations for director will be accepted, and that, if not more than one person is nominated for each open office of director, directors will be appointed by the board of supervisors pursuant to this section.

If, on the 54th day prior to the day fixed for the district general election, only one person has been nominated for each office of the board of director to be filled at that election, or no one has been nominated for such office, and if on the 44th day prior to the day fixed for the election, a petition signed by 5 percent of the qualified electors in the district, requesting that the district general election be held, has not been presented to the board of directors of the district, the board of directors shall by resolution entered in its minutes order that an election shall not be held and shall immediately request that the Board of Supervisors of the County of Monterey, at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

In such instances, notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint or has appointed a person or persons to serve for the ensuing term on the board of directors.

SEC. 2. Section 7 of said act is amended to read:

SEC. 7. District Officers and Employees. The officers of the district shall comprise the members of the board of directors, the secretary thereof, a district manager, an auditor and district counsel. No member of the board of directors of the dis-

trict shall be qualified for election or appointment as such unless he is a qualified elector of said district residing therein and shall have been such elector and resident at least one year immediately prior to such election or appointment. The board of directors shall, by ordinance, prescribe the powers, duties and compensation, of all said officers, except where the same are prescribed by the provisions of this act and in such case, may, by ordinance, prescribe additional powers and duties for any such officer consistent with the provisions hereof; provided, however, that the members of the board of directors shall serve as such without compensation.

SEC. 3. Section 13 of said act is amended to read:

Sec. 13. County Officers to Act as District Officers In addition to the powers and duties vested in the board of supervisors of the County of Monterey by other provisions of this act, said board of supervisors is hereby vested with the following additional powers and duties relative to said district: Except as otherwise herein provided, the board of supervisors, at the time and in the manner provided by general law for the levy and equalization of county taxes, shall levy annually upon the property in said district the district taxes as formally directed by the board of directors of the district, and as limited by the provisions of this act, and shall sit and act as a board of equalization for the purpose of equalizing such district taxes at the time and in the form and manner prescribed by general law for the equalization of county taxes. The county clerk, the county assessor, the county tax collector and the county auditor of said Monterey County shall, without additional compensation, be vested with like powers and duties with relation, respectively, to the assessment, equalization and collection of district taxes as they are vested and charged with relation to county taxes of said Monterey County. The proceeds of the taxes collected shall be paid to the district.

SEC. 4. Section 14 of said act is amended to read:

Sec. 14. Depositories. The board shall designate depositories for the custody of the funds of the district. A depository shall give security sufficient to secure the district against possible loss and shall pay the warrants drawn by the auditor for demands against the district under such rules as the board may prescribe.

SEC. 5. Section 15 of said act is amended to read:

Sec. 15. Auditor; Duties and Payment of Warrants. The auditor shall install and maintain a system of auditing and accounting which shall competently and at all times show the financial condition of the district. The auditor shall draw warrants to pay demands made against the district if the demands have been approved by at least three directors.

SEC. 6. Section 19 of said act is amended to read:

Sec. 19 Regular Tax Levy. The board of supervisors must, at the time of levying the county taxes, levy annually a tax upon all the taxable property within the district sufficient

to defray the cost of the maintenance thereof and of making such other expenditures as are authorized by this act in connection therewith and as estimated by the board of directors to be necessary for such purposes; provided, however, that no such tax levy shall exceed the limitations placed thereon by the provisions of this act. The taxes so levied shall be computed and entered on the assessment roll and collected at the same time and in the same manner as are the taxes of said Monterey County, and when collected shall be paid to the district.

CHAPTER 663

An act to add Section 6054.3 to the Harbors and Navigation Code, relating to harbor districts.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 6054.3 is added to the Harbors and Navigation Code, to read:

6054.3. Where the office of a commissioner becomes vacant during his term the vacancy shall be filled for the unexpired portion of the term by appointment by the majority of remaining commissioners, and if not so filled within 30 days after the vacancy, it shall be filled by appointment by the board of supervisors pursuant to Section 1778 of the Government Code.

CHAPTER 664

An act to amend Sections 8950.5 and 8963.5 of, and to add Sections 8950.3, 8950.4, 8950.6, 8963.6, 8963.7, 8963.8, and 8963.9 to, the Health and Safety Code, relating to public cemetery districts.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 8950.3 is added to the Health and Safety Code, to read:

8950.3. Before providing that it shall act as the board of trustees of the district, the board of supervisors shall in a regular open meeting by a four-fifths vote of all its members adopt a resolution declaring its intention to act as the board of trustees of the district. The resolution shall fix a time not less than 10 days thereafter for a public hearing of the supervisors to be held at its regular place of meeting upon the question of acting as the board of trustees of the district.

SEC. 2. Section 8950.4 is added to the Health and Safety Code, to read:

8950.4. Notice of the adoption of the resolution and of the time and place of holding the hearing shall be given by posting copies of the resolution signed by the members of the board of supervisors or by a majority thereof, in three public places in the district not less than 10 days before the date of the hearing, and by publishing the notice pursuant to Section 6061 of the Government Code not less than five days before the date of the hearing in a newspaper of general circulation published in the county in which the district or any part thereof is situated and having a general circulation in the district.

SEC. 3. Section 8950.5 of the Health and Safety Code is amended to read:

8950.5. Unless a protest is entered as provided in Section 8950.6, the supervisors shall hold the hearing at the time and place in the resolution. Notwithstanding the provisions of Section 8950, the board of supervisors may at any meeting of the board of supervisors held within 60 days after such hearing, by resolution or order entered upon its minutes, provide that it shall act as the board of trustees of the district. If the district is in more than one county, such resolution or order shall be passed by the board of supervisors of the county in which the largest portion of the district is located. After the adoption of a resolution or making of an order pursuant to this section, the board of supervisors is the governing body of the district and the terms of any trustees appointed pursuant to Section 8950 shall terminate immediately, irrespective of the provisions of Section 8952.

SEC. 4. Section 8950.6 is added to the Health and Safety Code, to read:

8950.6. If a written protest is filed with the supervisors by 10 percent of the qualified electors of the district, as shown by the affidavit of one of the petitioners, prior to the time fixed for the hearing, no further proceedings shall be taken on the proposal to act as the board of trustees of the district.

SEC. 5. Section 8963.5 of the Health and Safety Code is amended to read:

8963.5. A district may, with the concurrence of the board of supervisors, convey any cemetery of the district to any cemetery authority upon such terms and conditions and for such consideration as the trustees determine are in the best interests of the district. Any cemetery which is conveyed to a cemetery authority by a district pursuant to this section shall be maintained by the cemetery authority as an endowment care cemetery in accordance with the provisions of Sections 8738 and 8738.1 of this code.

SEC. 6. Section 8963.6 is added to the Health and Safety Code, to read:

8963.6. Before concurring in the conveyance of any cemetery to any cemetery authority, the supervisors shall in a regular open meeting by a four-fifths vote of all its mem-

bers adopt a resolution declaring its intention to so concur. The resolution shall describe the cemetery proposed to be conveyed and shall fix a time not less than 10 days thereafter for a public hearing of the supervisors to be held at its regular place of meeting upon the question of the concurrence.

SEC. 7. Section 8963.7 is added to the Health and Safety Code, to read:

8963.7. Notice of the adoption of the resolution and of the time and place of holding the hearing shall be given by posting copies of the resolution signed by the members of the board of supervisors or by a majority thereof, in three public places in the district not less than 10 days before the date of the hearing, and by publishing the notice pursuant to Section 6061 of the Government Code not less than five days before the date of the hearing in a newspaper of general circulation published in the county in which the district or any part thereof is situated and having a general circulation in the district.

SEC. 8. Section 8963.8 is added to the Health and Safety Code, to read:

8963.8. The supervisors shall hold the hearing at the time and place fixed in the resolution, and the board of supervisors may at the hearing, or at any meeting of the board of supervisors held within 60 days thereafter, unless a protest is entered as provided in Section 8963.9, adopt a resolution by a two-thirds vote of all its members concurring in the conveyance of the cemetery to a cemetery authority.

SEC. 9. Section 8963.9 is added to the Health and Safety Code, to read:

8963.9. If a written protest is filed with the supervisors by 50 percent of the qualified electors of the district, as shown by the affidavit of one of the petitioners, prior to the time fixed for the hearing, no further proceedings shall be taken on the proposed concurrence.

CHAPTER 665

An act to amend Section 4021 of the Public Resources Code, relating to penalties.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 4021 of the Public Resources Code is amended to read:

4021. Except as otherwise provided, the willful or negligent commission of any of the acts prohibited or the omission of any of the acts required by Chapters 2 to 6, inclusive, of Part 2 (commencing with Section 4101) of this division is a misdemeanor.

CHAPTER 666

An act to amend Section 769 of the Financial Code, relating to purchase and holding by banks of stock of small business investment companies.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 769 of the Financial Code is amended to read:

769. A bank may purchase and hold the stock of small business investment companies authorized to operate under the Small Business Investment Act, as amended, in an amount not aggregating more than 2 percent of the bank's capital and surplus.

CHAPTER 667

An act to amend Section 172 of the Penal Code, relating to alcoholic beverages.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 172 of the Penal Code is amended to read:

172. 1. Every person who, within one-half mile of the land belonging to this state upon which any state prison, or within 1,900 feet of the land belonging to this state upon which any Youth Authority institution is situated, or within one mile of the grounds belonging to the University of California, at Berkeley, or within one mile of the grounds belonging to the University of California at Santa Barbara, as such grounds existed as of January 1, 1961, or within one mile of the grounds belonging to Fresno State College, or within one and one-half miles of the exterior limits of the land on which is located the Veterans' Home at Yountville, Napa County, California, or within three miles of the University Farm at Davis, or within one and one-half miles of any building actually occupied as a home, retreat, or asylum for ex-soldiers, sailors, and marines of the Army and Navy of the United States, established or to be established by this state, or by the United States within this state, or within the State Capitol, or within the limits of the grounds adjacent and belonging thereto, sells or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 50 days or by both such fine and imprisonment, in the discretion of the court.

2. The provision of subdivision 1 of this section prohibiting the sale or exposure for sale of any intoxicating liquor within 1,900 feet of the land belonging to this state upon which any Youth Authority institution is situated shall not apply with respect to the Fred C. Nelles School for Boys.

3. Except within the State Capitol or the limits of the grounds adjacent and belonging thereto, as mentioned in subdivision 1 of this section, the provisions of this section shall not apply to the sale or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale or exposing or offering for sale of beer.

4. Distances provided in this section shall be measured not by airline but by following the shortest highway or highways as defined in Section 360 of the Vehicle Code connecting the points in question. In measuring distances from the Folsom State Prison, the measurement shall start at the entrance gate of the prison.

CHAPTER 668

An act to amend Section 1111.6 of the Education Code, relating to annual election consolidated with city election.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 1111.6 of the Education Code is amended to read:

1111.6. When an elementary, unified, high school, junior college district or junior college district trustee area, includes within its boundaries the same territory, or territory that is in part the same, as a city whose charter requires a regular city election to be held in each odd-numbered year, the consolidated governing board member elections of the elementary, unified, high school, junior college district or junior college district trustee area may be held on a Tuesday in the odd-numbered year and may be further consolidated with the city election pursuant to Chapter 4 of Part 2 of Division 12 of the Elections Code. Such consolidation shall be effected by the county superintendent of schools having jurisdiction of the elementary, unified, high school or junior college district upon the written request of the governing board of the elementary, unified, high school or junior college district, with the written consent of the legislative body of the city and the written consents of all of the governing boards of the districts whose governing board member elections are affected. The provisions of this section shall be controlling in the event of any conflict with a prior order of the county superintendent of schools made pursuant to Section 1331.

CHAPTER 669

An act to amend Section 522 of the Harbors and Navigation Code, relating to abandoned property.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 522 of the Harbors and Navigation Code is amended to read:

522. Any hulk, derelict, wreck or parts of any ship, vessel or other watercraft sunk, beached or allowed to remain in an unseaworthy or dilapidated condition upon publicly owned submerged, salt marsh or tidelands within the corporate limits of any municipal corporation, or public corporation, or other public entity having jurisdiction or control over tidelands, without its consent expressed by resolution of the legislative body having jurisdiction over such territory or control of such lands, for a period longer than 100 days without a watchman or other person being maintained upon or near and in charge of such property, is abandoned property.

Thereafter, the legislative body of a municipal corporation, or public corporation, or other public entity having jurisdiction or control over tidelands, having jurisdiction or control over the lands on which abandoned property may be located, may upon, and not less than 10 days after, the final adoption of an ordinance cause such property to be sold, destroyed or otherwise disposed of in such manner as it may deem expedient or convenient and which may be specified in the ordinance. Any such sale shall vest complete title in the purchaser who shall forthwith take steps to remove the property. Any proceeds derived from any such sale shall be the property of the municipal corporation, or public corporation, or other public entity having jurisdiction or control over tidelands.

If the owner of such property securely affixes to it a notice in plain view setting forth his name and address and claim of ownership, together with the name and address of an agent or representative whom he may designate, within the State of California, if the owner does not reside in the state, and files a copy of the notice with the secretary of the municipal or other public body having jurisdiction over or control of such lands at least five days prior to the introduction of an ordinance to order removal, the municipal or other public corporation, shall not sell, destroy or otherwise dispose of the property until it has first given the owner or his agent at the address specified in the claim of ownership, 30 days' notice to remove or cause the property to be removed, and then only if the property is not removed by the owner or his agent within such time or such reasonable extensions of time as the municipal corporation or other public corporation or

entity may by resolution grant. If a registration number appears on the watercraft, notice shall also be sent to the registered owner at least five days prior to the introduction of an ordinance to order removal.

CHAPTER 670

An act to amend Section 1 of Chapter 602 of the Statutes of 1963, relating to quiet title actions.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 1 of Chapter 602 of the Statutes of 1963, as amended by Chapter 1750 of the Statutes of 1965, is amended to read:

Section 1. The grantee or grantees of any lands which have been or may be conveyed by the state pursuant to Chapter 1885 of the Statutes of 1959, or his or their successor or successors in interest, immediate or remote, is and are hereby authorized to bring suit against the State of California to quiet title to the lands so conveyed or to obtain declaratory relief determining the validity of the title so conveyed. Service of process in any such suit shall be made upon the Chairman of the State Lands Commission and the Attorney General, and it shall be the duty of the Attorney General to represent the state in any such suit. In any such action, whether or not judgment is given against the state, no costs shall be recovered against the state. Any action brought under the provisions of this act shall be commenced prior to December 31, 1968.

CHAPTER 671

An act to add Sections 31681.51 and 31739.31 to the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 31681.51 is added to the Government Code, to read:

31681.51. Every retirement allowance or optional death allowance (including an allowance payable to a survivor of a member) payable to or on account of any member of this system or of a superseded system who has been or was retired for service is hereby increased as follows:

Period during which retirement became effective	Percentage of increase in monthly retirement allowance
On or prior to June 30, 1962	10%
12 months ended June 30, 1963	8%
12 months ended June 30, 1964	6%
12 months ended June 30, 1965	4%
12 months ended June 30, 1966	2%

In no event shall any allowance be increased by an amount greater than fifty dollars ($50) a month nor less than ten dollars ($10) a month.

This section shall not be operative in any county until such time as the board of supervisors shall, by ordinance adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 2. Section 31739.31 is added to the Government Code, to read:

31739.31. Every retirement allowance, optional death allowance, or annual death allowance (including an allowance payable to a survivor of a member) payable to or on account of any member of this system or of a superseded system who has been or was retired for disability is increased as follows:

Period during which retirement became effective	Percentage of increase in monthly retirement allowance
On or prior to June 30, 1962	10%
12 months ended June 30, 1963	8%
12 months ended June 30, 1964	6%
12 months ended June 30, 1965	4%
12 months ended June 30, 1966	2%

In no event shall any allowance be increased by an amount greater than fifty dollars ($50) a month or less than ten dollars ($10) a month.

This section shall not be operative in any county until such time as the board of supervisors shall, by ordinance adopted by majority vote, make the provisions of this section applicable in such county.

CHAPTER 672

An act to amend Sections 894 and 895 of the Military and Veterans Code, relating to educational assistance for veterans' dependents.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 894 of the Military and Veterans Code is amended to read:

894. For students of collegiate, junior college, business and trade school rank the amount expended by the department as an allowance for living expenses shall not exceed fifty dollars ($50) per month. Dependents enrolled in the fifth year of any course requiring five years may be considered to be at the undergraduate level. For students of high school rank the amount shall not exceed twenty dollars ($20) per month, during the time the student is in actual attendance at a day school. Absence during the month on account of illness shall be included as part of such attendance.

SEC. 2. Section 895 of the Military and Veterans Code is amended to read:

895. For tuition and fees;

(a) The amount expended on account of any one applicant of undergraduate, collegiate, junior college, business, and trade school rank under the provisions of this article shall not exceed the maximum rate authorized for the regular school year under Section 31214 of the Education Code and not to exceed one-third more for students pursuing a summer session or full year course.

(b) For students of high school rank the sum shall not exceed two hundred dollars ($200) a year for students pursuing a regular course and two hundred forty dollars ($240) a year for students pursuing a summer session or full year course.

SEC. 3. The amendment to Section 894 of the Military and Veterans Code by this act shall not apply to any student of postgraduate rank on the effective date of this act. The provisions of the Military and Veterans Code, as they read prior to the effective date of this act, shall continue to govern the eligibility of any such student to receive an allowance for living expenses.

CHAPTER 673

An act to amend Section 28143 of the Government Code, relating to compensation of county officers.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 28143 of the Government Code is amended to read:

28143. In a county of the 43rd class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand eight hundred dollars ($7,800) a year.

(b) The district attorney, seven thousand eight hundred dollars ($7,800) a year.

(c) Each supervisor, six thousand dollars ($6,000) per year and mileage at the rate of twenty cents ($0.20) for each mile actually traveled in the discharge of his duties as supervisor, not to exceed six hundred dollars ($600) a year. Each supervisor shall also receive his necessary expenses when the performance of his duty as supervisor takes him out of the county.

(d) Grand jurors and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance, and fifteen cents ($0.15) for each mile actually and necessarily traveled from their residence to the county seat, to be allowed but once during each session the jurors are required to attend

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CHAPTER 674

An act to add Section 253.1 to the Streets and Highways Code, relating to freeways and expressways.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 253.1 is added to the Streets and Highways Code, to read:

253.1. Notwithstanding Section 253, the portion of Route 1 designated therein as portion (b) is from Route 42 to Route 101 near El Rio.

CHAPTER 675

An act to amend Section 21352 of the Education Code, relating to school district funds.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 21352 of the Education Code is amended to read:

21352. The amount of the revolving fund shall not exceed an amount from the general fund of the district equal to the average daily attendance of the district for the next preceding year multiplied by fifteen dollars ($15) plus such amounts as the governing board of the district may, in its discretion, appropriate from other funds of the district, including building funds, and shall be determined as follows: The inventory of stores on hand including the cost of receiving and storing such stores of the school district at the time of the establishment of the fund, which stores and costs have been paid for from school district funds and reported to the county superintendent, plus whatever sum the governing board in its discretion may appropriate from the various funds of the district, including building funds, not to exceed an aggregate sum determined as above, including stores on hand, costs of receiving and storing such stores and designated appropriations, shall be the amount to constitute the revolving fund of the district.

Where a common revolving fund is established for two or more school districts, the amount of the revolving fund shall not exceed an amount from the general funds of the districts equal to the average daily attendance of the districts for the next preceding year multiplied by fifteen dollars ($15) plus such amounts as the governing boards of the districts, in their discretion, appropriate from other funds of the districts, including building funds, and shall be determined as follows: The inventory of stores on hand including the cost of receiving and storing such stores of each school district at the time of the establishment of the fund which stores and costs have been paid for from school district funds and reported to the county superintendent, plus whatever sums the governing board of each district in its discretion may appropriate from the various funds of the district, including the building fund, not to exceed an aggregate sum as determined above, including stores on hand, costs of receiving and storing such stores and designated appropriations, shall be the amount to constitute the revolving fund, and each district shall retain its equity in the common fund.

The amount of any revolving fund once established as herein prescribed may be increased to an amount from general funds

not in excess of the average daily attendance of the next preceding year multiplied by fifteen dollars ($15) plus such amounts as the governing board, in its discretion, may appropriate from other funds of the district, including building funds, or decreased, in the discretion of the governing board, as the needs of the district may require, in the same manner and by the same procedure as herein prescribed for establishment of such fund.

Amounts expended from the revolving fund are restored thereto through payments into the revolving fund by warrants drawn on the various funds of the districts, including building funds, for shipments from stores for the use of the districts. The warrants shall be made payable to the "revolving fund of _____

(Here insert name or names of the school district or

_____."

school districts establishing the fund.)

CHAPTER 676

An act to add Section 152 to the Insurance Code, relating to contracts for insurance.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 152 is added to the Insurance Code, to read:

152. Notwithstanding any other provision of law, any minor 18 years of age or over shall be deemed competent to contract for insurance, as defined in Sections 108 and 116 of the Insurance Code, against hazards incident to ownership, maintenance, operation and use of motor vehicles of any kind, and to enter into an agreement to finance such insurance and to execute a power of attorney in connection with such financing, to the same extent and with the same effect as though he had attained the age of 21 years.

CHAPTER 677

An act to amend Sections 18808 and 18810 of, to add Section 18660.1 to, and to repeal Section 18809 of, the Financial Code, relating to industrial loan companies.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 18660.1 is added to the Financial Code, to read:

18660.1. On any loan made which is secured by real property of a face amount of two thousand dollars ($2,000) or more, an appraisal fee not to exceed the actual cost of the appraisal or 1 percent of the face amount of the loan whichever is the lesser, may be charged by the industrial loan company, if an appraisal is rendered to the industrial loan company in writing by a qualified appraiser approved in writing by the Commissioner of Corporations. Only one such fee on any loan may be collected in any one year. Such fee is not included in computing the maximum charges which may be charged under Section 18655.

SEC. 2. Section 18808 of the Financial Code is amended to read:

18808. The company examined shall pay to the commissioner the actual cost of any examination, investigation or services, including the actual amount of salary or other compensation paid to the persons making such examination or investigation or rendering services, and overhead costs in connection therewith as fixed by the commissioner.

SEC. 3. Section 18809 of the Financial Code is repealed.

SEC. 4. Section 18810 of the Financial Code is amended to read:

18810. Each industrial loan company shall pay to the commissioner in advance its pro rata share of all costs and expenses, reasonably incurred in the administration of this division, as estimated by the commissioner for the ensuing year. The pro rata share shall be the proportion which a company's assets bear to the aggregate assets of all companies as shown by the latest annual reports of such companies to the commissioner. The pro rata share shall not include the costs of any examinations provided for in Section 18808, unless they cannot be collected from the company examined.

Upon payment of such assessment, and if the company is otherwise in compliance with the requirements of this division with respect to the doing of business, the commissioner shall issue to the company an annual license, authorizing the company, subject to the provisions of this division, to transact business for the ensuing year. Said license is subject to revoca-

tion or modification for any of the reasons and upon the same terms and conditions as the authority of the company to transact business may be revoked or modified by the commissioner for cause according to the provisions of this division.

CHAPTER 678

An act to add Section 1057.5 to the Civil Code, relating to escrow agents.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 1057.5 is added to the Civil Code, to read:

1057.5. Except for the normal compensation of his own employees, no person acting as an escrow agent whether required to be licensed as such or not, shall pay over to any other person any commission, fee, or other consideration as compensation for referring, soliciting, handling, or servicing escrow customers or accounts.

No escrow agent shall enter into any arrangement, either of his own making or of a subsidiary nature, or through any other person having a dual capacity, or through any person having a direct or indirect interest in the escrow, or other device, permitting any fee, commission, or compensation which is contingent upon the performance of any act, condition, or instruction set forth in an escrow, to be drawn or paid, either in whole or in part, or in kind or its equivalent, prior to the actual closing and completion of the escrow.

The provisions of this section shall not be deemed to supersede, negate, or modify any of the provisions of Section 12404 of the Insurance Code.

CHAPTER 679

An act to amend Section 12538 of the Government Code, relating to health care service plans.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 12538 of the Government Code is amended to read:

12538. Every health care service plan in operation as of the effective date of this article shall register with the Attorney General on or before January 1, 1966.

Any plan which is not in operation as of the effective date of this article shall not commence to operate until 30 days after such plan has filed a complete registration with the Attorney General.

For purposes of this section, a plan shall be deemed to be in operation on the effective date of this article if and only if it has arrangements in effect with a provider of health care service and is providing health care coverage to the public generally or to some group or groups thereof.

Every health care service plan shall reregister with the Attorney General annually after its initial registration on or before March 31st of each year.

CHAPTER 680

An act to add Sections 25210.41a, 25210.51a, 25210.62a, 25210.72a and 25210.78ba, to the Government Code, relating to extended county services.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 25210.41a is added to the Government Code, to read:

25210.41a. If extended police protection is to be provided within any county service area the board of supervisors may at the time it adopts its final budget for the county determine the nature, extent and cost of such extended police protection services to be provided at the expense of county service area funds within the area during the fiscal year for which the final budget of the county is adopted. In the event that the board of supervisors elects to and does determine the nature, extent and cost of providing such extended police protection services pursuant to this section, the provisions of Sections 25210.41, 25210.42 and 25210.43 shall be inapplicable to any such determinations and the board of supervisors shall fix, levy and collect taxes therefor within the area in the same manner and at the same time as other county taxes are fixed, levied and collected.

SEC. 2. Section 25210.51a is added to the Government Code, to read:

25210.51a. If structural fire protection is to be provided within any county service area the board of supervisors may at the time it adopts its final budget for the county determine the nature, extent and cost of such structural fire protection

services to be provided at the expense of county service area funds within the area during the fiscal year for which the final budget of the county is adopted. In the event that the board of supervisors elects to and does determine the nature, extent and cost of providing such structural fire protection services pursuant to this section, the provisions of Sections 25210.52, 25210.53 and 25210.54 shall be inapplicable to any such determinations and the board of supervisors shall fix, levy and collect taxes therefor within the area in the same manner and at the same time as other county taxes are fixed, levied and collected

SEC. 3. Section 25210.62a is added to the Government Code, to read:

25210.62a. If local park, recreation or parkway facilities are to be established and maintained within any county service area the board of supervisors may at the time it adopts its final budget for the county determine the nature, extent and cost of such local park, recreation or parkway facilities to be provided at the expense of county service area funds within the area during the fiscal year for which the final budget of the county is adopted. In the event that the board of supervisors elects to and does determine the nature, extent and cost of providing such local park, recreation or parkway facilities pursuant to this section, the provisions of Sections 25210.62, 25210.63, 25210.64 and 25210.65 shall be inapplicable to any such determinations and the board of supervisors shall fix, levy and collect taxes therefor within the area in the same manner and at the same time as other county taxes are fixed, levied and collected.

SEC. 4. Section 25210.72a is added to the Government Code, to read:

25210.72a. If miscellaneous extended services are to be provided within any county service area the board of supervisors may at the time it adopts its final budget for the county determine the nature, extent and cost of such miscellaneous extended services to be provided at the expense of county service area funds within the area during the fiscal year for which the final budget of the county is adopted. In the event that the board of supervisors elects to and does determine the nature, extent and cost of providing such miscellaneous extended services pursuant to this section, the provisions of Sections 25210.72, 25210.73, 25210.74 and 25210.75 shall be inapplicable to any such determinations and the board of supervisors shall fix, levy and collect taxes therefor within the area in the same manner and at the same time as other county taxes are fixed, levied and collected.

SEC. 5. Section 25210 78ba is added to the Government Code, to read:

25210.78ba. If extended library facilities and services are to be established and maintained within any county service area the board of supervisors may at the time it adopts its

final budget for the county determine the nature, extent and cost of such extended library facilities and services to be provided at the expense of county service area funds within the area during the fiscal year for which the final budget of the county is adopted. In the event that the board of supervisors elects to and does determine the nature, extent and cost of providing such extended library facilities and services pursuant to this section, the provisions of Sections 25210.78b, 25210.78c, 25210.78d and 25210.78e shall be inapplicable to any such determinations and the board of supervisors shall fix, levy and collect taxes therefor within the area in the same manner and at the same time as other county taxes are fixed, levied and collected.

CHAPTER 681

An act to amend Section 25537 of the Government Code, relating to county property.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 25537 of the Government Code is amended to read:

25537. In any county the board of supervisors may prescribe by ordinance a procedure alternative to that required by Sections 25526 to 25535 of this article for the leasing of any real property belonging to such county. Any alternative procedure so prescribed shall require that the board of supervisors either accept the highest proposal for the proposed lease submitted in response to a call for bids posted in at least three public places for not less than 15 days and published for not less than 2 weeks in a newspaper of general circulation, if any such newspaper is published in such county, or reject all bids, except that leases of a duration not exceeding 1 year and having an estimated monthly rental of not exceeding four hundred dollars ($400) may be excluded from such bidding procedure. If a lease is excluded from the bidding procedure the actual monthly rental in the executed lease shall not exceed five hundred dollars ($500), the term of the executed lease shall not exceed one year, and the lease is not renewable.

CHAPTER 682

An act to amend Sections 19414, 19566, and 19569 of, and add Section 19413.5 to, the Business and Professions Code, relating to quarter horses.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 19413.5 is added to the Business and Professions Code, to read:

19413.5. "Quarter horse" is any horse (including mare, gelding, colt and filly) that meets the requirements of and is registered by the American Quarter Horse Association.

SEC. 2. Section 19414 of the Business and Professions Code is amended to read:

19414. "Quarter horse racing" means the form of horseracing in which a participating horse is a "quarter horse" as defined in Section 19413.5, is mounted by a jockey, and engages in a straightaway race over a distance less than five-sixteenths of a mile.

SEC. 3. Section 19566 of the Business and Professions Code is amended to read:

19566. The official Stud Book and Registry of the American Quarter Horse Association shall be recognized as the sole official registry for quarter horses. The board shall, however, by rule provide for the registration of California-bred quarter horses to enable compliance with this chapter.

SEC. 4. Section 19569 of the Business and Professions Code is amended to read:

19569. In order to encourage and develop the racing of quarter horses:

(a) Whenever the California State Fair and Exposition or a district or county fair conducts a program of horseraces on which there is parimutuel wagering, it shall, so far as practicable, provide a program of quarter horse racing on the same days that it provides a program of other types of horseracing, if sufficient quarter horses are available to provide competition in one or more quarter horse races.

(b) Any licensee which conducts a program of horseraces on which there is parimutuel wagering may provide a program of quarter horse racing on the same days that it provides a program of other types of horseracing, if sufficient quarter horses are available to provide competition in one or more quarter horse races.

Such quarter horse events may be in addition to the customary number of thoroughbred or standardbred events.

CHAPTER 683

An act to amend Section 1804 of, and to add Section 1818 to, the Vehicle Code, relating to traffic violations.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 1804 of the Vehicle Code is amended to read:

1804. The abstract shall be made upon a form furnished or approved by the department and shall contain all necessary information to identify the defendant, the date and nature of the offense, the commercial or noncommercial nature or the license plate number of the vehicle involved in the offense, the date of hearing, the judgment, and the amount of the fine or forfeiture.

SEC. 2. Section 1818 is added to the Vehicle Code, to read:

1818. Any record of, or information from any record concerning, an abstract of conviction kept by the department shall contain an appropriate notation indicating the commercial or noncommercial nature or the license plate number of the vehicle involved in the offense.

CHAPTER 684

An act to add Section 25102.5 to the Corporations Code, relating to world fairs.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 25102.5 is added to the Corporations Code, to read:

25102.5. Notwithstanding the provisions of subdivisions (a), (b), and (c) of Section 25102, the securities issued by a company organized for the promotion, development or operation of a world's fair or exposition shall not be exempt from the provisions of this division. For the purposes of this section, direct or indirect solicitation of funds, contributions, or credit shall constitute the issuance and sale of a security.

CHAPTER 685

An act to add Section 72760 to the Government Code, relating to municipal courts.

[Approved by Governor July 11, 1967 Filed with Secretary of State July 11, 1967]

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

SECTION 1. Section 72760 is added to the Government Code, to read:

72760. Notwithstanding the provisions of Section 72648, the judges and any judges pro tempore of each municipal court under this article, may select, from among the deputy clerks of the court, such person or persons to act as court clerks as may be reasonably necessary for the proper operation of such court. Any deputy clerk so selected shall serve as court clerk during the pleasure of the judge or judges of such court, and shall perform his official duties as court clerk under his or their sole direction.

CHAPTER 686

An act to add Section 191.5 to the Streets and Highways Code, relating to highway funds.

[Approved by Governor July 11, 1967 Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 191.5 is added to the Streets and Highways Code, to read:

191.5. Any city, city and county or county may use funds allocated from the State Highway Fund or the Highway Users Tax Fund to finance the local governmental entity's share of the cost of constructing protective facilities on all mainline grade crossings.

CHAPTER 687

An act to amend Sections 7045 and 7058 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 11, 1967 Filed with Secretary of State July 11, 1967]

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

SECTION 1. Section 7045 of the Business and Professions Code is amended to read:

7045. This chapter does not apply to the sale or installation of any finished products, materials or articles of mer-

chandise, which do not become a fixed part of the structure, nor shall it apply to a materialman or manufacturer furnishing finished products, materials, or articles of merchandise who does not install or contract for the installation of such items. The term "finished products" shall not include installed carpets.

SEC. 2. Section 7058 of the Business and Professions Code is amended to read:

7058. A specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

A specialty contractor includes a contractor whose operations are concerned with the installation and laying of carpets, linoleum, and resilient floor covering.

A contractor who installs or contracts for the installation of carpet wherein the carpet is attached to the structure by any conventional method as determined by custom and usage in the trade is expressly included within the definition of a specialty contractor as provided in this section; except that a seller of installed carpet who holds a retail furniture dealer's license under Chapter 3 (commencing with Section 19000) of Division 8 shall not be required to have a contractor's license if the installation of such carpet is performed by a licensed contractor and the seller so certifies in writing to the buyer prior to the performance of the installation, which certification shall include the name, business address, and contractor's license number of the licensed contractor by whom the installation will be performed.

CHAPTER 688

An act to amend Section 2261 of the Civil Code, relating to investments by trustees.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 2261 of the Civil Code is amended to read:

2261. (1) In investing, reinvesting, purchasing, acquiring, exchanging, selling and managing property for the benefit of another, a trustee shall exercise the judgment and care, under the circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income, as well as the probable safety of their capital. Within the limitations of the foregoing standard, and subject to any express provisions or limitations contained in any

particular trust instrument, a trustee is authorized to acquire every kind of property, real, personal or mixed, and every kind of investment, specifically including, but not by way of limitation, corporate obligations of every kind, and stocks, preferred or common, which men of prudence, discretion and intelligence acquire for their own account.

(2) In the absence of express provisions to the contrary in the trust instrument, a trustee may continue to hold property received into a trust at its inception or subsequently added to it or acquired pursuant to proper authority if and as long as the trustee, in the exercise of good faith and of reasonable prudence, discretion and intelligence, may consider that retention is in the best interests of the trust.

(3) In the absence of express provisions to the contrary in the trust instrument, a deposit of trust funds at interest in any savings bank or the savings department of any bank (including the savings department of the trustee, if a bank) shall be a qualified investment to the extent that such deposit is insured under any present or future law of the United States, or to such greater extent as a court of competent jurisdiction may authorize. Nothing in this section shall be construed as limiting the right of trustees in proper cases to make deposits of trust moneys in banks, subject, in the case of interest-bearing deposits, to such notice or other conditions respecting withdrawal as may be prescribed by law or governmental regulation affecting such deposits.

(4) Nothing in this section shall abrogate or restrict the power of the appropriate court in proper cases to direct or permit the trustee to deviate from the terms of the trust regarding the making or retention of investments.

(5) The provisions of this section shall apply to all trusts now existing or hereafter created. Where, in trusts now existing or hereafter created, the term "investments permissible by law for investment of trust funds," or "authorized by law for investment of trust funds," "legal investments," or "authorized investments," or other words of similar import are used in defining the powers of the trustee relative to investments, such language, in the absence of other controlling or modifying provisions of the trust instrument, shall be construed as authorizing any investment permitted by the terms of subdivision (1) of this section.

(6) The term "property" as used in this section includes life insurance, endowment, and annuity contracts issued by legal reserve companies authorized to do business in this state.

CHAPTER 689

An act to maintain the Insurance Code by amending Sections 705.1, 779.21, 11520, 11661.5, 12408 and 12919, relating to insurance.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 705.1 of the Insurance Code is amended to read:

705.1. The commissioner shall require the payment of one thousand dollars ($1,000) in lawful money of the United States in advance as a fee for filing an application and all supporting exhibits including articles of incorporation, certificates of organization, certificates of capital and assets, certificates of deposit, financial statements, affidavits, appointments of agents for service of process, bonds, deposit schedules, appraisals, and other papers, in support of each original certificate of authority. Such fee shall be in lieu of the fees for filing or receiving such papers in support of an application for an original certificate of authority as specified in Section 940.1 and as specified in the following sections of the Insurance Code as they existed on January 1, 1963: 705, 712, 900.5, 946, 976, 1350, 1590 (but not 1599), 1601, 7034, 9034 and 11090.

SEC. 2. Section 779.21 of the Insurance Code is amended to read:

779.21. The commissioner may adopt, pursuant to the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, such reasonable rules and regulations as may be necessary to carry out the provisions of this article.

SEC. 3. Section 11520 of the Insurance Code is amended to read:

11520. The following organizations and persons may receive transfers of property, conditioned upon their agreement to pay an annuity to the transferor or his nominee, after obtaining from the commissioner a certificate of authority so to do:

(a) Any charitable, religious, benevolent or educational organization, pecuniary profit not being its object or purpose, after being in active operation for at least 10 years; provided, nevertheless, that 10 years of active operation shall not be required in case of:

(i) A nonprofit corporation organized and controlled by a hospital classified and licensed by the Department of Public Health as a general hospital pursuant to Chapter 2 (commencing with Section 1400), Division 2, of the Health and Safety Code; and

(ii) An incorporated educational institution offering courses of instruction beyond high school, organized pursuant to Section 29003 of the Education Code, and which is, and for at least one year has been, qualified pursuant to Article 1 (commencing with Section 29001) of Chapter 1 of Division 21 of the Education Code to issue diplomas or degrees as defined in Section 29001 of such code;

(b) Every organization or person maintaining homes for the aged for pecuniary profit.

The provisions of this section shall not apply to organizations subject to and operating under Chapter 4 (commencing with Section 16300) of Part 4 of Division 9 of the Welfare and Institutions Code.

SEC. 4. Section 11661.5 of the Insurance Code is amended to read:

11661.5. An insurer shall not insure an employer against his liability for additional compensation arising out of injuries to illegally employed persons under 16 years of age, as provided for by Part 4 (commencing with Section 1171) of Division 2 of the Labor Code.

SEC. 5. Section 12408 of the Insurance Code is amended to read:

12408. Every title insurer shall include in its annual statement furnished the commisioner pursuant to Article 10 (commencing with Section 900), Chapter 1, Part 2, Division 1 of this code, the name of each person which is a controlled escrow company or underwritten title company by reason of its relationship with such title insurer.

SEC. 6. Section 12919 of the Insurance Code is amended to read:

12919. Communications to the commissioner or any person in his office in respect to any fact concerning the holder of, or applicant for, any certificate or license issued under this code are made to him in official confidence within the meaning of Sections 1040 and 1041 of the Evidence Code. Liability shall not exist and no action or proceeding shall lie for or on account of any such communication or the making thereof, but the existence of such communication shall not be deemed to dispense with or nullify any requirement of notice, hearing or production of evidence before the commissioner as otherwise required by law.

CHAPTER 690

An act relating to irrigation districts.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. The Walnut Irrigation District may, by agreement with the City of Pico Rivera, transfer all district real and personal property of whatever nature, to the city. The city shall, pursuant to such agreement, assume all obligations of the district to serve the area of the district with water and shall receive the transfer of property subject to any outstanding lease of water rights or pumping facilities of the district.

SEC. 2. The Legislature hereby finds and declares that the Walnut Irrigation District has no outstanding indebtedness and that its continued existence is unnecessary. Accordingly, upon the 30th day following the execution of the agreement authorized by this act, the Walnut Irrigation District shall be dissolved and shall cease to exist.

SEC. 3. The Legislature further finds and declares that this special act is necessary since the District Reorganization Act of 1965, which provides a uniform method for dissolution of certain types of public agencies, and which governs the dissolution of irrigation districts, does not authorize the voluntary transfer of property prior to dissolution authorized under this act, and since the Walnut Irrigation District and the City of Pico Rivera are the only irrigation district and city which contemplate, and are in a position to undertake, the type of transaction provided for by this act.

CHAPTER 691

An act to amend Section 14955 of the Government Code, relating to state contracts.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 14955 of the Government Code is amended to read:

14955. Where work to be performed, excluding regular maintenance work, which would otherwise be subject to the State Contract Act, does not lend itself to the preparation of plans and specifications to enable bids to be taken on a lump sum or unit basis, and the director so finds, the department may perform such work by the use of rented tools or equip-

ment, either with operators furnished or unoperated. Contracts for such work may include provision for equipment rental and in addition the furnishing of labor and materials necessary to accomplish the work. Such contracts shall not be subject to the State Contract Act, but shall be subject to all of the provisions of Article 2, Chapter 1, Part 7, Division 2 (commencing at Section 1770) of the Labor Code.

Whenever the total consideration of such a contract exceeds two thousand five hundred dollars ($2,500), it shall be awarded to the lowest responsible bidder, after competitive bidding on such reasonable notice as the department may prescribe, except in cases of emergency rental of tools or equipment as hereinafter provided. Posting of notice for five days in a public place in the Sacramento and Los Angeles offices of the Office of Architecture and Construction of the department is sufficient. Such contracts involving a consideration in excess of two thousand five hundred dollars ($2,500) shall be accompanied by labor and material bonds The department may require faithful performance bonds when considered necessary. The notice for each contract shall state whether or not a bond shall be required. Where a faithful performance bond is required, labor and material bonds shall be required.

In cases of emergency work necessitated by the imminence or occurrence of a landslide, flood, storm damage, accident or other casualty, tools, or equipment may be rented for a period of not to exceed 10 days without competitive bidding.

CHAPTER 692

An act to amend Section 620 of, and to add Section 624 to, the Revenue and Taxation Code, relating to property taxation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 620 of the Revenue and Taxation Code is amended to read:

620. If the assessor does not send a notice pursuant to Section 619 to an assessee whose property was not on the prior year's secured roll, then such assessee may pay taxes under protest. If payments are made in installments, the protest need not be repeated with the second installment. Protests shall be made by filing with the tax collector, together with the payment of the taxes or their first installment, a petition for assessment reduction on the form prescribed by the county board, which form the collector is to forward to the clerk of the county board with the notation that taxes were paid under protest pursuant to this section. The county board may, after

receipt of the petition for assessment reduction from the tax collector, hold a public hearing at the next regular board meeting, notice of time and place of which shall be sent to the person paying the tax under protest at the address stated in the protest or if no such address is stated, then to the address of the assessee according to the last equalized assessment roll. If the taxes are so paid and the assessee has not previously applied for a reduction of the assessment, the county board at its next annual meeting as an equalization board shall thereupon equalize such assessment in the manner prescribed by Article 1 (commencing with Section 1601), Chapter 1, Part 3 of this division.

The tax rate fixed for property on the roll on which the property so equalized appears at the time of its original assessment shall be applied to the amount of the equalized assessment, determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

If any taxes are paid under protest pursuant to this section, the taxing agency to which the taxes are paid may, in accordance with Section 26906.1 of the Government Code, impound such taxes until the final disposition of the claim or action respecting the protest. No such impounding is required.

SEC. 2. Section 624 is added to the Revenue and Taxation Code, to read:

624. If the assessor did not send the notice pursuant to Section 619 to the assessee, the county board shall hold an equalization hearing upon the timely petition of an assessee for equalization, whose property was not on the secured roll for 1966–67, and whose property is assessed for the first time on the secured roll for 1967–68. The county board may elect to hold equalization hearings prior to or during the 1967–68 equalization hearings to equalize an assessment of property which was not on the secured roll for 1965–66, but which was placed on the secured roll for 1966–67 where the assessor did not send a notice pursuant to Section 619. If the county board elects to hold such hearings, the board shall hold hearings for all assessees who have petitioned the county board for equalization prior to the expiration of the time set by the county board for receipt of such petitions. If the county board elects to receive such petitions and hold such hearings, notice of intention to do so shall be made as follows: (a) by publication of such notice in a newspaper of general circulation printed and published in the county by insertion therein not less than once a week for three consecutive weeks, the last publication of which shall be not later than 30 days prior to the expiration of the date set by the county board for receipt

of petitions for equalization, or (b) by sending to each assessee whose property was assessed on the secured roll for 1966–67 for the first time, a notice of such election, which shall be mailed not later than 30 days prior to the deadline for receipt of petitions for equalizations.

SEC. 3. 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 such necessity are:

Some assessees whose properties were assessed for the first time during 1965–66 fiscal year on the secured roll did not petition for reduction in assessment, where the assessor did not send notice of the new assessment pursuant to Section 619. County boards of supervisors sitting as local boards of equalization will be holding hearings, beginning in July, 1967, at which time petitions for reduction in assessment by assessees whose property was assessed for the first time during 1966–67 should be heard. Inequities and additional costs and expenses will result unless this measure is put into effect immediately. Reductions and assessments when granted by local boards would reduce the tax revenue expendable by various revenue districts. It is essential for revenue districts to learn of the amount of reduction in tax revenue, if any, due to any reductions in the local roll at or about the end of 1966–67 fiscal year.

CHAPTER 693

An act to amend Sections 6094, 6244, 6283, and 6406 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 6094 of the Revenue and Taxation Code is amended to read:

6094. If a purchaser who gives a resale certificate makes any use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business, the use shall be taxable to the purchaser under Chapter 3 (commencing with Section 6201) of this part as of the time the property is first used by him, and the sales price of the property to him shall be the measure of the tax. If such use is limited to the loan of the property to customers as an accommodation while awaiting delivery of property purchased or leased from the lender, the measure of the tax is the fair rental value of the property for the duration of each loan so made.

SEC. 2. Section 6244 of the Revenue and Taxation Code is amended to read:

6244. If a purchaser who gives a resale certificate or purchases property for the purpose of reselling it makes any storage or use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business, the storage or use is taxable as of the time the property is first so stored or used. If such use is limited to the loan of the property to customers as an accommodation while awaiting delivery of property purchased or leased from the lender, the measure of the tax is the fair rental value of the property for the duration of each loan so made.

SEC. 3. Section 6283 of the Revenue and Taxation Code is amended to read:

6283. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of a vessel or of an aircraft when the retailer is other than a person required to hold a seller's permit pursuant to Article 2 of Chapter 2 of this part by reason of the number, scope, and character of his sales of vessels or of aircraft, as the case may be.

SEC. 4. Section 6406 of the Revenue and Taxation Code is amended to read:

6406. A credit shall be allowed against, but shall not exceed, the taxes imposed on any person by Chapter 3 (commencing with Section 6201) of this part and by any ordinance enacted pursuant to Part 1.5 (commencing with Section 7200) of this division by reason of the storage, use, or other consumption of tangible personal property in this state to the extent that the person has paid a retail sales or use tax, or reimbursement therefor, imposed with respect to that property by any other state, political subdivision thereof, or the District of Columbia prior to the storage, use, or other consumption of that property in this state. The credit shall be apportioned to the taxes against which it is allowed in proportion to the amounts of those taxes.

A credit, otherwise permitted by the foregoing provisions of this section, shall not be allowed against taxes which are measured by periodic payments made under a lease, to the extent that the taxes imposed by any other state, political subdivision thereof, or the District of Columbia were also measured by periodic payments made under a lease for a period prior to the storage, use, or other consumption of the property in this state.

CHAPTER 694

An act to add Sections 34709 and 34710 to the Water Code, relating to California water districts.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 34709 is added to the Water Code, to read:

34709. Notwithstanding Section 34900, any elective officer other than a director may appoint so many deputies as the board shall have authorized for whose acts he and his bondsmen are responsible.

SEC. 2. Section 34710 is added to the Water Code, to read:

34710. Deputies shall hold office at the pleasure of the appointing officer and shall receive such compensation as may be provided by the board.

CHAPTER 695

An act to amend Section 44602 of, and add Article 4 (commencing with Section 44850) to Chapter 3 of Part 7 of Division 14 of the Water Code, relating to the deposit of funds of California Water Storage Districts, and declaring the urgency thereof to take effect immediately.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 44602 of the Water Code is amended to read:

44602. Warrants drawn by the board for payment of principal or interest on bonds shall be drawn upon the county treasurer of a county having funds belonging to the district in his possession, or upon a bank having funds belonging to the district on deposit, and upon the treasurer of the district or the county treasurer of such a county or upon such a bank, as the case may be, for payment of all other claims and demands.

SEC. 2. Article 4 (commencing with Section 44850) is added to Chapter 3 of Part 7 of Division 14 of the Water Code, to read:

Article 4. Alternative Provisions for the Deposit of Funds

44850. This article provides an alternative procedure for the deposit of all, or any part of, proceeds of bond sales, pro-

ceeds of assessments and proceeds of sale of land and of all, or any part of, other funds of a district.

44851. The board may at any time, by resolution, elect to proceed under this article with respect to the deposit of funds of the district, and the board may at any time thereafter terminate its election to proceed under this article, and thereafter, the provisions of this article shall no longer apply. No such resolution shall be effective until a certified copy thereof shall be filed with the auditor and treasurer of each county within which a district is located.

44852. Any money belonging to a district may be deposited by the treasurer pursuant to the general laws governing the deposit of public money.

44853. Where the deposit of money is insured by the Federal Deposit Insurance Corporation no additional security need be required from the bank for the portion of the district's deposits so insured.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety with the meaning of Article IV of the Constitution and shall go into immediate effect.

The facts constituting such necessity are: Several water storage districts and improvement districts therein are now proceeding with the planning, financing and construction of irrigation projects to enable them to provide needed water for agriculture in such districts by utilizing the supply which will soon become available from the State of California. In order to facilitate the financing of these projects and to enable such districts to earn maximum interest it is now necessary to clarify the law with respect to the deposit of funds of water storage districts and clearly to permit such districts to deposit their funds in banks.

CHAPTER 696

An act to amend Section 5104 of the Streets and Highways Code, relating to special assessments.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 5104 of the Streets and Highways Code is amended to read:

5104. If the consent of the owner of the property is first obtained, work may be done on private property to eliminate any disparity in level or size between the improvement and driveways, housewalks, and sewers, provided that the legislative body determines in the resolution of intention to order the improvement that it is in the public interest and more economi-

cal to do such work on private property than to adjust the work on public property to eliminate such disparity. The actual cost of such work shall be added to the assessment of the lot on which the work is done.

CHAPTER 697

An act to amend Sections 5100 and 5101 of the Streets and Highways Code, relating to special assessment proceedings.

[Approved by Governor July 11, 1967 Filed with Secretary of State July 11, 1967]

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

SECTION 1. Section 5100 of the Streets and Highways Code is amended to read:

5100. All streets, places, public ways, or property, or rights-of-way, or tidelands, or submerged lands owned by any city, open or dedicated to public use, and any property for the immediate possession and use of which, as rights-of-way required for public use, an order has been obtained in compliance with the provisions of Section 14 of Article I of the State Constitution, and all tidelands or submerged lands to which all the right, title and interest of the state have been granted to any city, and all tidelands or submerged lands which have been leased by the state to any city for the construction of improvements authorized by subdivision (g) of Section 5101, are open public streets, places, public ways, or property or rights-of-way owned by the city, for the purposes of this division, and the legislative body of the city may establish and change the grades of the respective ways, properties, and rights-of-way hereinbefore enumerated and fix the width thereof and is hereby invested with jurisdiction to order to be done therein, over or thereon, either singly or in any combination thereof, any of the work mentioned in this division under the proceedings described in this part.

SEC. 2. Section 5101 of the Streets and Highways Code is amended to read:

5101. Whenever in the opinion of the legislative body the public interest or convenience may require, it may order the whole or any portion, either in length or in width, of any one or more of the streets, places, public ways, or property, or rights-of-way, or tidelands, or submerged lands owned by any city, or tidelands or submerged lands leased by the state to any city for the construction of improvements authorized by subdivision (g), open or dedicated to public use, and any property for the immediate possession and use of which as rights-of-way required for public use, an order has been obtained in compliance with the provisions of Section 14 of Article I of the State Constitution, to be improved by or have constructed therein, over or thereon, either singly or in any combination thereof, any of the following:

(a) The grading or regrading, the paving or repaving, the planking or replanking, the macadamizing or remacadamizing, the graveling or regraveling, the oiling or reoiling thereof.

(b) The construction or reconstruction of sidewalks, crosswalks, steps, safety zones, platforms, seats, statuary, fountains, parks and parkways, culverts, bridges, curbs, gutters, tunnels, subways or viaducts.

(c) Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels or other appurtenances.

(d) Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels and appurtenances.

(e) Poles, posts, wires, pipes, conduits, tunnels, lamps and other suitable or necessary appliances for the purpose of lighting said streets, places or public ways of any such city or property or rights-of-way owned by any such city, or for the purpose of furnishing electricity and electric service or telephone service to property within a city.

(f) Pipes, hydrants and appliances for fire protection.

(g) Breakwaters, levees, bulkheads, groins, and walls of rock or other material to protect the streets, places, public ways and other property in any such city, from overflow by water, or to prevent beach erosion or to promote accretion to beaches.

(h) Wells, pumps, dams, reservoirs, storage tanks, channels, tunnels, conduits, pipes, hydrants, meters or other appurtenances for supplying or distributing a domestic water supply.

(i) Mains, services, pipes, fittings, valves, regulators, governors, meters, drips, drains, tanks, ditches, tunnels, conduits, channels, or other appurtenances for supplying or distributing a domestic or industrial gas supply.

(j) The construction or maintenance of bomb shelters or fallout shelters which are primarily designed to protect and shelter the population from conventional or nuclear bomb or missile warhead explosions, shellfire, radiation, and fallout in the event of an enemy attack.

(k) Retaining walls, embankments and other structures necessary or suitable in connection with any of the work mentioned in this section.

(*l*) The planting of trees, shrubs or other ornamental vegetation.

(m) The construction, repairing, or improving of public mooring places for watercraft, the building, repairing and improving of wharves, piers, docks, slips, quays, moles, or other utilities, structures, and appliances necessary or convenient for the promotion or accommodation of commerce, navi-

gation and the protection of lands within said city, and for aiding and securing access to the waters of said lands to the people of the State of California, in the exercise of their rights to fish, or for the extension of public streets or places.

(n) Compaction of land, change of grade or contours, construction of caissons, retaining walls, drains and other structures suitable for the purpose of stabilizing land.

(o) All other work which may be deemed necessary to improve the whole or any portion of such streets, places, public ways or property, or rights-of-way owned by such city.

(p) All other work auxiliary to any of the above, which may be required to carry out the same.

CHAPTER 698

An act to amend Section 6401 of the Public Resources Code, relating to excepting certain land exchanges from mineral reservation requirements.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 6401 of the Public Resources Code is amended to read:

6401. All oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits in public lands belonging to the state, or which may become the property of the state, are reserved to the state. Such deposits are reserved from sale except upon a rental and royalty basis and except as otherwise provided by law. A purchaser of any public lands belonging to the state, or which may become property of the state, shall acquire no right, title, or interest in or to such deposits. The right of such purchaser shall be subject to the reservation of all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits, and to the conditions and limitations prescribed by law providing for the state and persons authorized by it to prospect for, mine, and remove such deposits, and to occupy and use so much of the surface of the land as may be required for all purposes reasonably extending to the mining and removal of such deposits therefrom—: provided, that when any person, authorized by the state to prospect for said reserved deposits to the extent provided for in this division, enters upon such land, such person so entering shall be liable to and shall compensate such purchaser of land for all damage and injury to the permanent improvements and the crops on such lands by reason of such prospecting; provided, further, that persons who have acquired the right to mine and remove such deposits may reenter, occupy and use so much of the surface of the land as may be required for all purposes reasonably extending to the mining and removal of such deposits there-

from; first, upon securing the written consent or waiver of the purchaser of such public land; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the State of California for the use and benefit of the purchaser of such land, to secure the payment of such damages to the crops or tangible improvements of the purchaser of said land as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in the form and in accordance with the rules and regulations prescribed by the commission: and provided, further, that the provisions of this section shall not apply to any compromise agreement entered into under this division, nor to any exchange of real property where the state receives the mineral rights in the parcel or parcels being acquired by the state.

CHAPTER 699

An act to amend Sections 10 and 10.1 of, and to add Section 10.3 to, the San Mateo County Flood Control District Act (Chapter 2108 of the Statutes of 1959), relating to the San Mateo County Flood Control District.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 10 of the San Mateo County Flood Control District Act (Chapter 2108, Statutes 1959) is amended to read:

Sec. 10. The board of supervisors of the district created by this act, by resolutions thereof adopted from time to time, may establish any zone or zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and institute zone projects for the specific benefit of such zones. The boundaries of any such zone which is established primarily for flood control purposes shall follow and be the same as the boundaries of a natural drainage basin as determined by engineering studies or surveys authorized by the board of supervisors. No such zone established primarily for flood control purposes shall include more than one natural drainage basin.

Said zone shall be deemed established from and after the date of the resolution of the board establishing the same. However, before taxes or assessments as hereinabove provided for

may be levied therein, compliance must be had with the provisions of Government Code Sections 54900 to 54904, inclusive. The provisions of this section to the contrary notwithstanding, no territory of any city with a population of more than 40,000 inhabitants, based upon the 1950 federal census, shall be included within any zone established or to be established as herein provided without the request, by resolution, of a majority of the governing body of said city to such inclusion.

Any other provision of this section to the contrary notwithstanding, after the establishment of any zone in the manner herein provided, the board may, by resolution, at any time amend the boundaries by withdrawing property from said zone, or may divide said zone into two or more zones, by setting forth in such resolution descriptions of the amended or divided zones by metes and bounds and entitling each of such zones by a zone number.

Property so excluded from any zone shall continue to be subject to the obligation and payment of any bonds or other indebtedness incurred in the zone prior to such exclusion.

After the establishment of any zone in the manner herein provided territory within said district whether incorporated or unincorporated and whether contiguous to said zone or not may be annexed to said zone if in the opinion of the board the additional territory will be benefited by annexation to said zone. Proceedings for the establishment of zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones which proceedings shall be instituted in the manner prescribed in Section 10.3 of this act.

SEC. 2. Section 10.1 of the San Mateo County Flood Control District Act (Chapter 2108, Statutes 1959) is amended to read:

Sec. 10.1. The board shall, by resolution, at the time of the institution of a project pursuant to Section 10.3 of this act, order the formation of any subzone within such a zone where, in the opinion of the board the contemplated improvements authorized by this act and the operation and maintenance thereof will be of special benefit to any such subzone, and are not of equal benefit to the entire zone within which any such subzone is proposed to be established. Notice of the intention to form any such subzone or subzones within a zone shall be given in the resolution specifying the board's intention to undertake a project. Any such subzone may be formed within the zone without regard to the boundaries of any natural drainage basin and the board may form as many subzones within a zone as may, in the opinion of the board, be necessary. At the time of the formation of any such subzone the board shall determine, after engineering studies for such purpose, the percentage (%) of benefit from the improvements proposed to be made within the zone and from the operation and maintenance thereof, to inure to the property in any such

subzone. In the event that any bonded indebtedness is thereafter incurred within a zone established pursuant to Section 10 of this act which contains one or more such subzones, the property within each such subzone shall be taxed to pay that percentage (%) of the principal and interest of such bonded indebtedness determined to be the percentage (%) of benefit to the property within such subzone, by the board in the manner above mentioned. In the event that any tax or assessment for improvements, operation, maintenance or any other purpose is thereafter levied within a zone established pursuant to Section 10 of this act which contains one or more such subzones, the property within each such subzone shall be taxed or assessed to pay that percentage of the improvement costs, and of the operation, maintenance or other cost thereof, determined to be the percentage of benefit to the property within such subzone by reason of such improvements.

In the event that one or more subzones have been established within a zone pursuant to this section, any proposition for the incurring of a bonded indebtedness within a zone, or for increasing the maximum tax rate within the zone or subzone, shall indicate the fact that such subzone or subzones have been established in such manner as the board may deem appropriate.

The procedure for the levy and collection of taxes within each such subzone for the purpose herein provided in this section shall be the same as the procedure for the levy and collection of taxes within a zone established pursuant to Section 10 of this act.

SEC. 3. Section 10.3 is added to the San Mateo County Flood Control District Act (Chapter 2108, Statutes 1959), to read:

Sec. 10.3. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing, or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project together with the engineering estimates of the cost of same to be borne by the particular zones or participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to said hearing, the last publication of which notice must be at least seven (7) days before said hearing, in a newspaper of general circulation designated by the board, circulated in said zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or in each of said participating zones. Said notice must designate a public place in such zone

or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person; such map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written or oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing written protests against the proposed project signed by a majority in number of the registered voters residing within such zone or participating zones be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing or said proceeding may be abandoned in the discretion of the board.

CHAPTER 700

An act to add Section 4836.5 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 4836.5 is added to the Revenue and Taxation Code, to read:

4836.5. Whenever correction of any clerical error increases the assessment, the board of supervisors may apply a rate of tax to such increase at whatever tax rate was in existence in the year in which the clerical error was made.

CHAPTER 701

An act to amend Section 11012 of the Government Code, relating to the investment of funds by state agencies.

[Approved by Governor July 11, 1967. Filed with Secretary of State July 11, 1967.]

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

SECTION 1. Section 11012 of the Government Code is amended to read:

11012. Whenever any state agency, including but not limited to state agencies acting in a fiduciary capacity, is authorized to invest funds, or to sell or exchange securities, prior approval of the Department of Finance to the investment, sale or exchange shall be secured.

Every state agency shall furnish the Department of Finance with such reports and in such form, relating to the funds or securities, their acquisition, sale or exchange, as may be requested by the Department of Finance from time to time.

This section does not apply to the following state agencies:

(a) Any state agency when issuing or dealing in securities authorized to be issued by it.

(b) The Treasurer.

(c) The Regents of the University of California.

(d) California Employment Stabilization Commission.

(e) Department of Veterans Affairs.

(f) Hastings College of Law.

(g) Board of Administration of the California State Employees' Retirement System.

(h) State Compensation Insurance Fund.

(i) California Toll Bridge Authority and Department of Public Works when acting in accordance with bond resolutions adopted under the California Toll Bridge Authority Act prior to the effective date of this section.

(j) Teachers' Retirement Board of the State Teachers' Retirement System.

CHAPTER 702

An act to amend Sections 17150, 17151, 17152, 17153, 17154, 17155, 17156, 17159, 17707, 17708, 17709, 17710, and 17714 of the Vehicle Code, relating to liability arising out of the operation of vehicles.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 17150 of the Vehicle Code is amended to read:

17150. Every owner of a motor vehicle is liable and responsible for death or injury to person or property resulting from a negligent or wrongful act or omission in the operation of the motor vehicle, in the business of the owner or otherwise, by any person using or operating the same with the permission, express or implied, of the owner.

SEC. 2. Section 17151 of the Vehicle Code is amended to read:

17151. (a) The liability of an owner, bailee of an owner, or personal representative of a decedent imposed by this chapter and not arising through the relationship of principal and agent or master and servant is limited to the amount of ten thousand dollars ($10,000) for the death of or injury to one person in any one accident and, subject to the limit as to one person, is limited to the amount of twenty thousand dollars ($20,000) for the death of or injury to more than one person

in any one accident and is limited to the amount of five thousand dollars ($5,000) for damage to property of others in any one accident.

(b) An owner, bailee of an owner, or personal representative of a decedent is not liable under this chapter for damages imposed for the sake of example and by way of punishing the operator of the vehicle. Nothing in this subdivision makes an owner, bailee, or personal representative immune from liability for damages imposed for the sake of example and by way of punishing him for his own wrongful conduct.

SEC. 2.5. Section 17151 of the Vehicle Code is amended to read:

17151. (a) The liability of an owner, bailee of an owner, or personal representative of a decedent imposed by this chapter and not arising through the relationship of principal and agent or master and servant is limited to the amount of fifteen thousand dollars ($15,000) for the death of or injury to one person in any one accident and, subject to the limit as to one person, is limited to the amount of thirty thousand dollars ($30,000) for the death of or injury to more than one person in any one accident and is limited to the amount of five thousand dollars ($5,000) for damage to property of others in any one accident.

(b) An owner, bailee of an owner, or personal representative of a decedent is not liable under this chapter for damages imposed for the sake of example and by way of punishing the operator of the vehicle. Nothing in this subdivision makes an owner, bailee, or personal representative immune from liability for damages imposed for the sake of example and by way of punishing him for his own wrongful conduct.

SEC. 3. Section 17152 of the Vehicle Code is amended to read:

17152. In any action against an owner, bailee of an owner, or personal representative of a decedent on account of liability imposed by Sections 17150, 17154, or 17159 for the negligent or wrongful act or omission of the operator of a vehicle, the operator shall be made a party defendant if service of process can be made in a manner sufficient to secure personal jurisdiction over the operator. Upon recovery of judgment, recourse shall first be had against the property of the operator so served.

SEC. 4. Section 17153 of the Vehicle Code is amended to read:

17153. If there is recovery under this chapter against an owner, bailee of an owner, or personal representative of a decedent, the owner, bailee of an owner, or personal representative of a decedent is subrogated to all the rights of the person injured or whose property has been injured and may recover from the operator the total amount of any judgment and costs recovered against the owner, bailee of an owner, or personal representative of a decedent.

SEC. 5. Section 17154 of the Vehicle Code is amended to read:

17154. If the bailee of an owner with the permission, express or implied, of the owner permits another to operate the motor vehicle of the owner, then the bailee and the driver shall both be deemed operators of the vehicle of the owner within the meaning of Sections 17152 and 17153.

Every bailee of a motor vehicle is liable and responsible for death or injury to person or property resulting from a negligent or wrongful act or omission in the operation of the motor vehicle, in the business of the bailee or otherwise, by any person using or operating the same with the permission, express or implied, of the bailee.

SEC. 6. Section 17155 of the Vehicle Code is amended to read:

17155. Where two or more persons are injured or killed in one accident, the owner, bailee of an owner, or personal representative of a decedent may settle and pay any bona fide claims for damages arising out of personal injuries or death, whether reduced to judgment or not, and the payments shall diminish to the extent thereof such person's total liability on account of the accident. Payments aggregating the full sum of twenty thousand dollars ($20,000) shall extinguish all liability of the owner, bailee of an owner, or personal representative of a decedent for death or personal injury arising out of the accident which exists pursuant to this chapter, and did not arise through the negligent or wrongful act or omission of the owner, bailee of an owner, or personal representative of a decedent nor through the relationship of principal and agent or master and servant.

SEC. 6.5. Section 17155 of the Vehicle Code is amended to read:

17155. Where two or more persons are injured or killed in one accident, the owner, bailee of an owner, or personal representative of a decedent may settle and pay any bona fide claims for damages arising out of personal injuries or death, whether reduced to judgment or not, and the payments shall diminish to the extent thereof such person's total liability on account of the accident. Payments aggregating the full sum of thirty thousand dollars ($30,000) shall extinguish all liability of the owner, bailee of an owner, or personal representative of a decedent for death or personal injury arising out of the accident which exists pursuant to this chapter, and did not arise through the negligent or wrongful act or omission of the owner, bailee of an owner, or personal representative of a decedent nor through the relationship of principal and agent or master and servant.

SEC. 7. Section 17156 of the Vehicle Code is amended to read:

17156. If a motor vehicle is sold under a contract of conditional sale whereby the title to such motor vehicle remains in the vendor, such vendor or his assignee shall not be deemed an owner within the provisions of this chapter, but the vendee or his assignee shall be deemed the owner notwithstanding the

terms of such contract, until the vendor or his assignee retake possession of the motor vehicle. A chattel mortgagee of a motor vehicle out of possession is not an owner within the provisions of this chapter.

SEC. 8. Section 17159 of the Vehicle Code is amended to read:

17159. Every person who is a personal representative of a decedent who has control or possession of a motor vehicle subject to administration for the purpose of administration of an estate is, during the period of such administration, or until the vehicle has been distributed under order of the court or he has complied with the requirements of subdivision (a) or (b) of Section 5602, liable and responsible for death or injury to person or property resulting from a negligent or wrongful act or omission in the operation of the motor vehicle by any person using or operating the same with the permission, express or implied, of the personal representative.

SEC. 9. Section 17707 of the Vehicle Code is amended to read:

17707. Any civil liability of a minor arising out of his driving a motor vehicle upon a highway during his minority is hereby imposed upon the person who signed and verified the application of the minor for a license and the person shall be jointly and severally liable with the minor for any damages proximately resulting from the negligent or wrongful act or omission of the minor in driving a motor vehicle, except that an employer signing the application shall be subject to the provisions of this section only if an unrestricted driver's license has been issued to the minor pursuant to the employer's written authorization.

SEC. 10. Section 17708 of the Vehicle Code is amended to read:

17708. Any civil liability of a minor, whether licensed or not under this code, arising out of his driving a motor vehicle upon a highway with the express or implied permission of the parents or the person or guardian having custody of the minor is hereby imposed upon the parents, person, or guardian and the parents, person, or guardian shall be jointly and severally liable with the minor for any damages proximately resulting from the negligent or wrongful act or omission of the minor in driving a motor vehicle.

SEC. 11. Section 17709 of the Vehicle Code is amended to read:

17709. (a) No person, or group of persons collectively, shall incur liability for a minor's negligent or wrongful act or omission under Sections 17707 and 17708 in any amount exceeding ten thousand dollars ($10,000) for injury to or death of one person as a result of any one accident or, subject to the limit as to one person, exceeding twenty thousand dollars ($20,000) for injury to or death of all persons as a result of any one accident or exceeding five thousand dollars ($5,000)

for damage to property of others as a result of any one accident.

(b) No person is liable under Section 17707 or 17708 for damages imposed for the sake of example and by way of punishing the minor. Nothing in this subdivision makes any person immune from liability for damages imposed for the sake of example and by way of punishing him for his own wrongful conduct.

SEC. 11.5. Section 17709 of the Vehicle Code is amended to read:

17709. (a) No person, or group of persons collectively, shall incur liability for a minor's negligent or wrongful act or omission under Sections 17707 and 17708 in any amount exceeding fifteen thousand dollars ($15,000) for injury to or death of one person as a result of any one accident or, subject to the limit as to one person, exceeding thirty thousand dollars ($30,000) for injury to or death of all persons as a result of any one accident or exceeding five thousand dollars ($5,000) for damage to property of others as a result of any one accident.

(b) No person is liable under Section 17707 or 17708 for damages imposed for the sake of example and by way of punishing the minor. Nothing in this subdivision makes any person immune from liability for damages imposed for the sake of example and by way of punishing him for his own wrongful conduct.

SEC. 12. Section 17710 of the Vehicle Code is amended to read:

17710. The person signing a minor's application for a license is not liable under this chapter for a negligent or wrongful act or omission of the minor committed when the minor is acting as the agent or servant of any person.

SEC. 13. Section 17714 of the Vehicle Code is amended to read:

17714. In the event, in one or more actions, judgment is rendered against a defendant under this chapter based upon the negligent or wrongful act or omission of a minor in the operation of a vehicle, and also by reason of such act or omission rendered against such defendant under Article 2 (commencing with Section 17150) of Chapter 1 of Division 9, then such judgment or judgments shall not be cumulative but recovery shall be limited to the amount specified in Section 17709.

SEC. 14. This act does not confer or impair any right or defense arising out of any death or injury to person or property occurring prior to the effective date of this act.

SEC. 15. Sections 2.5, 6.5, and 11.5 of this act shall become operative only if Assembly Bill No. 1010 is enacted by the Legislature at its 1967 Regular Session and in such case at the same time as Assembly Bill No. 1010 becomes operative; at which time Sections 2, 6, and 11 of this act are repealed.

CHAPTER 703

An act to amend Sections 1202 and 2719 of, and to add Section 1210 to, the Commercial Code, relating to evidence.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 1202 of the Commercial Code is amended to read:

1202. (1) A bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party is admissible as evidence of the facts stated in the document by the third party in any action arising out of the contract which authorized or required the document.

(2) In any action arising out of the contract which authorized or required the document referred to in subdivision (1).

(a) A document in due form purporting to be the document referred to in subdivision (1) is presumed to be authentic and genuine. This presumption is a presumption affecting the burden of producing evidence.

(b) If the document is found to be authentic and genuine, the facts stated in the document by the third party are presumed to be true. This presumption is a presumption affecting the burden of proof.

SEC. 2. Section 1210 is added to the Commercial Code, to read:

1210. Except as otherwise provided in Section 1202, the presumptions established by this code are presumptions affecting the burden of producing evidence.

SEC. 3. Section 2719 of the Commercial Code is amended to read:

2719. (1) Subject to the provisions of subdivisions (2) and (3) of this section and of the preceding section on liquidation and limitation of damages,

(a) The agreement may provide for remedies in addition to or in substitution for those provided in this division and may limit or alter the measure of damages recoverable under this division, as by limiting the buyer's remedies to return of the goods and repayment of the price or to repair and replacement of nonconforming goods or parts; and

(b) Resort to a remedy as provided is optional unless the remedy is expressly agreed to be exclusive, in which case it is the sole remedy.

(2) Where circumstances cause an exclusive or limited remedy to fail of its essential purpose, remedy may be had as provided in this code.

(3) Consequential damages may be limited or excluded unless the limitation or exclusion is unconscionable. Limitation

of consequential damages for injury to the person in the case of consumer goods is invalid unless it is proved that the limitation is not unconscionable. Limitation of consequential damages where the loss is commercial is valid unless it is proved that the limitation is unconscionable.

CHAPTER 704

An act to amend Section 27454 of the Vehicle Code, relating to pneumatic tires, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 27454 of the Vehicle Code is amended to read:

27454. No tire on any vehicle upon any state highway shall have on its periphery any block, stud, flange, cleat, ridge, bead, or any other protuberance of metal or wood which projects beyond the tread of the traction surface of the tire.

This section does not apply to the following:

(a) Tire chains of reasonable size used to prevent skidding when upon wet surfaces or when upon snow or ice.

(b) Pneumatic tires which have embedded therein wire not to exceed 0.075 inches in diameter and which are so constructed that under no conditions will the percentage of metal in contact with the roadway exceed 5 percent of the total tire area in contact with the roadway, except that during the first 1,000 miles of use or operation of any such tire, the metal in contact with the roadway may exceed 5 percent of the tire area in contact with the roadway, but shall in no event exceed 20 percent of such area.

(c) Vehicles operated upon unimproved roadways when necessary in the construction or repair of highways.

(d) Traction engines or tractors when operated under the conditions of a permit first obtained from the Department of Public Works.

(e) Pneumatic tires containing metal-type studs of tungsten carbide or other suitable material and which are so inserted or constructed that under no conditions will the number of studs or the percentage of metal in contact with the roadway exceed 3 percent of the total tire area in contact with the roadway, between the first day of October and the first day of May. This subdivision shall remain in effect until May 1, 1969, and shall have no force or effect after that date.

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 such necessity are:

In order that the provisions of this act may apply commencing with the forthcoming winter season to permit use of this special equipment for improvement of safety upon the highways, it is essential that this act go into immediate effect.

CHAPTER 705

An act to add Section 13337.5 to the Education Code, relating to school employees.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 13337.5 is added to the Education Code, to read:

13337.5. Notwithstanding the provisions of Section 13337, the governing board of a school district maintaining a junior college may employ as a teacher in grade 13 or grade 14, for less than a complete school year but not less than a complete semester or quarter during a school year, any person holding appropriate certification documents, and may classify such person as a temporary employee. The employment of such persons shall be based upon the need for additional certificated employees for grades 13 and 14 during a particular semester or quarter because of the higher enrollment of students in those grades during that semester or quarter as compared to the other semester or quarter in the academic year, and shall be limited, in number of persons so employed, to that need, as determined by the governing board.

Such employment may be pursuant to contract fixing a salary for the entire semester or quarter.

No person shall be so employed by any one district for more than two semesters or quarters within any period of three consecutive years.

Notwithstanding any other provision to the contrary, any person who is employed to teach adult or junior college classes for not more than 60 percent of the hours per week considered a full-time assignment for permanent employees having comparable duties shall be classified as a temporary employee, and shall not become a probationary employee under the provisions of Section 13446.

CHAPTER 706

An act to amend Section 526a of the Code of Civil Procedure, relating to court proceedings.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 526a of the Code of Civil Procedure is amended to read:

526a. An action to obtain a judgment, restraining and preventing any illegal expenditure of, waste of, or injury to, the estate, funds, or other property of a county, town, city or city and county of the state, may be maintained against any officer thereof, or any agent, or other person, acting in its behalf, either by a citizen resident therein, or by a corporation, who is assessed for and is liable to pay, or, within one year before the commencement of the action, has paid, a tax therein. This section does not affect any right of action in favor of a county, city, town, or city and county, or any public officer; provided, that no injunction shall be granted restraining the offering for sale, sale, or issuance of any municipal bonds for public improvements or public utilities.

An action brought pursuant to this section to enjoin a public improvement project shall take special precedence over all civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law.

CHAPTER 707

An act to amend Section 28114 of the Government Code, relating to county salaries.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 28114 of the Government Code is amended to read:

28114. In a county of the 14th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, thirteen thousand dollars ($13,000) a year.

(b) The district attorney, twenty-three thousand dollars ($23,000) a year. He shall not engage in the private practice of law.

(c) Each supervisor, twelve thousand dollars ($12,000) a year and actual and necessary expenses, including expenses for meals, incurred in the performance of the duties of his

office. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid the sum of ten cents ($0.10) per mile to reimburse him for the use of said automobile. The chairman of the board of supervisors shall receive, as additional compensation, one thousand eight hundred dollars ($1,800) a year for services rendered as chairman.

(d) For attendance in the superior court each trial juror shall be allowed five dollars ($5) for each days' attendance, and mileage at the rate of ten cents ($0.10) for each mile actually and necessarily traveled in attending upon and returning from court, mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

Each member of the grand jury shall be allowed five dollars ($5) for each day in attendance upon the sessions of the grand jury or for each day's service as a member of any committee of the grand jury and mileage at the rate of ten cents ($0.10) for each mile actually and necessarily traveled in attendance upon and returning from meetings to the grand jury, or any session of the grand jury committee, duly called by the secretary, or committee chairman.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 708

An act to amend Section 599 of the Penal Code, relating to crimes relating to animals and fowl.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 599 of the Penal Code is amended to read:

599. Every person is guilty of a misdemeanor who:

(a) Sells or gives away, any live chicks, rabbits, ducklings, or other fowl as a prize for, or as an inducement to enter, any contest, game or other competition or as an inducement to enter a place of amusement or place of business; or

(b) Dyes or otherwise artificially colors any live chicks, rabbits, ducklings or other fowl, or sells, offers for sale, or gives away any live chicks, rabbits, ducklings, or other fowl which has been dyed or artificially colored; or

(c) Maintains or possesses any live chicks, rabbits, ducklings, or other fowl for the purpose of sale or display without adequate facilities for supplying food, water and temperature control needed to maintain the health of such fowl or rabbit; or

(d) Sells, offers for sale, barters, or for commercial purposes gives away, any live chicks, rabbits, ducklings, or other fowl

on any street or highway. This section shall not be construed to prohibit established hatchery management procedures or the display, or sale of natural chicks, rabbits, ducklings, or other fowl in proper facilities by dealers, hatcheries, poultrymen, or stores regularly engaged in the business of selling the same.

CHAPTER 709

An act to add Section 5070.1 to the Business and Professions Code, relating to public accountants.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 5070.1 is added to the Business and Professions Code, to read:

5070.1. Notwithstanding any other provision of this chapter, the board shall register as a public accountant any person who meets all the following requirements:

(a) He is a citizen of the United States or has declared his intention of becoming a citizen.

(b) He resides in this state or has a place for the regular transaction of business in this state.

(c) He is 21 years of age or over.

(d) He is of good moral character.

(e) He filed an application to register with the board on September 15, 1949, or within six months thereafter, or is able to establish that during such period he made an inquiry to the board relating to an application for registration and he met the requirements in effect at that time for registration as a public accountant.

(f) He pays the same application fee specified in subdivision (a) of Section 5134 for a certified public accountant.

SEC. 2. The revenues derived from the fee provided for in Section 1 of this act shall not be available for expenditure until appropriated by the Legislature.

CHAPTER 710

An act to amend Section 5880 of the Welfare and Institutions Code, relating to mentally ill persons.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 5880 of the Welfare and Institutions Code is amended to read:

5880. When any person becomes so mentally ill as to be likely to cause injury to himself or others and to require im-

mediate care, treatment, or restraint, a peace officer, health officer, county physician or assistant county physician, who has reasonable cause to believe that such is the case, may take the person into custody for his best interest and protection and place him as provided in this section. The person believed to be mentally ill may be admitted and detained in the quarters provided in any county hospital or state hospital upon application of the peace officer, health officer, county physician, or assistant county physician. The application shall be in writing and shall state the circumstances under which the person's condition was called to the officer's or physician's attention and shall also state that the officer or physician believes, as a result of his personal observation, that the person is mentally ill and because of his illness is likely to injure himself or others if not immediately hospitalized.

The superintendent or physician in charge of the quarters provided in such county hospital or state hospital may care for and treat the person for a period not to exceed seventy-two (72) hours, excluding Saturdays, Sundays, and holidays. Within said seventy-two (72) hours the person shall be discharged from the institution unless a petition of mental illness is presented to a judge of the superior court and the court issues an order for detention of such person, or unless the person is admitted as a patient under any other provision of law

In no event shall any person apprehended under this section be detained in a jail or other correctional facility.

CHAPTER 711

An act to repeal Section 12153 of the Education Code, relating to compulsory education.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 12153 of the Education Code is repealed.

CHAPTER 712

An act to amend Section 704 of the Welfare and Institutions Code, relating to Youth Authority diagnostic services.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 704 of the Welfare and Institutions Code is amended to read:

704. (a) If the court has determined that a minor is a person described by Section 602, or if the court has determined that a minor is a person described by Section 601 and a supplemental petition for commitment of such minor to the Youth Authority has been filed pursuant to Section 777, and such minor is otherwise eligible for commitment to the Youth Authority, the court, if it concludes that a disposition of the case in the best interest of the minor requires such observation and diagnosis as can be made at a diagnostic and treatment center of the Youth Authority, may continue the hearing and order that such minor be placed temporarily in such a center for a period not to exceed 90 days, with the further provision in such order that the Director of the Youth Authority report to the court its diagnosis and recommendations concerning the minor within the 90-day period.

(b) The Director of Youth Authority shall, within the 90 days, cause the minor to be observed and examined and shall forward to the court his diagnosis and recommendation concerning such minor's future care, supervision, and treatment.

(c) The Youth Authority shall accept such person if there is in effect a contract made pursuant to Section 1752.1 and if it believes that the person can be materially benefited by such diagnostic and treatment services, and if the Director of the Youth Authority certifies that staff and institutions are available. No such person shall be transported to any facility under the jurisdiction of the Youth Authority until the director has notified the referring court of the place to which said person is to be transported and the time at which he can be received.

(d) The probation officer of the county in which an order is made placing a minor in a diagnostic and treatment center pursuant to this section, or any other peace officer designated by the court, shall execute the order placing such minor in the center or returning him therefrom to the court. The expense of such probation officer or other peace officer incurred in executing such order is a charge upon the county in which the court is situated.

CHAPTER 713

An act to add Section 27289 to the Government Code, relating to recordation of notice.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 27289 is added to the Government Code, to read:

27289. Whenever a notice is required by law to be recorded for any purpose, it shall be signed by the person giving notice or his agent.

CHAPTER 714

An act to amend Section 14616 of the Government Code, relating to approval of Department of General Services.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 14616 of the Government Code is amended to read:

14616. The director may exempt from his approval or from approval of the department any transactions involving not more than twenty-five thousand dollars ($25,000) for which such approval is required by statute whenever, in his judgment, such exemption is appropriate and in the best interests of the state. Written notice of exemptions shall be given to the Controller.

CHAPTER 715

An act to amend Section 69503 of the Government Code, relating to superior court records.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 69503 of the Government Code is amended to read:

69503. Notwithstanding any other law relating to the destruction of court records, the county clerk may cause to be destroyed all documents, records, instruments, books, papers, depositions, and transcripts, in any action or proceeding in the superior court, or otherwise filed in his office pursuant to law, or any will delivered to him pursuant to Section 320 of the Probate Code, if all of the following conditions exist:

(a) Eight years have elapsed since the delivery to him of any will, or the filing of any paper in the action or proceeding and the records of the county clerk do not show that the action or proceeding is pending on appeal in any court; except that records of domestic relations actions may be destroyed when five years have elapsed since their filing in the office of the county clerk and the action or proceeding in which they were filed is not pending or on appeal in any court; transcripts of coroner's inquests, depositions, and, when the written consent of the district attorney is first obtained, transcripts of preliminary hearings may be destroyed when three years have elapsed since their filing in the office of the county clerk and the action or proceeding in which they were filed is not pending or on appeal in any court.

(b) The county clerk maintains for the use of the public a microphotographic film print or copy of each document, record, instrument, book, paper, deposition, or transcript so destroyed prepared pursuant to the procedure specified in Sections 1920b and 1923 of the Code of Civil Procedure.

(c) The county clerk promptly seals and stores at least one original negative of each such microphotographic film in such manner and place as reasonably to assure its preservation indefinitely against loss, theft, defacement, or destruction.

CHAPTER 716

An act to amend Section 290 of the Penal Code, relating to registration of sex offenders.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 290 of the Penal Code is amended to read:

290. Any person who, since the first day of July, 1944, has been or is hereafter convicted in the State of California of the offense of assault with intent to commit rape or the infamous crime against nature, under Section 220, or of any offense defined in Sections 266, 267, 268, 285, 286, 288, 288a, subdivision 1 of Section 647a, subdivision 3 or 4 of Section 261, subdivision (a) or (d) of Section 647, or subdivision 1 or 2 of Section 314 of this code, or of any offense involving lewd and lascivious conduct under Section 272 of the Penal Code; or any person who since said date has been or is hereafter convicted of the attempt to commit any of the above-mentioned offenses; or any person who since said date or at any time hereafter is discharged or paroled from a penal institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses; or any person who since said date or at any time hereafter is determined to be a sexual psychopath under the provisions of Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code; or any person who has been since said date or is hereafter convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

Any person who, after the first day of August, 1950, is discharged or paroled from a jail, prison, school, road camp, or other institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses or is released from a state hospital to which he was committed as a sexual psychopath under the provisions of Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code shall, prior to such discharge, parole, or release, be informed of his duty to register under this section by the official in charge of the place of confinement or hospital and the official shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The official in charge of the place of confinement or hospital shall obtain the address where the person expects to reside upon his discharge, parole, or release and shall report such address to the State Bureau of Criminal Identification and Investigation. The official in charge of the place of confinement or hospital shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Any person who after the first day of August, 1950, is convicted in the State of California of the commission or attempt to commit any of the above-mentioned offenses and who is released on probation or discharged upon payment of a fine shall, prior to such release or discharge, be informed of his duty to register under this section by the court in which he has been convicted and the court shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The court shall obtain the address where the person expects to reside upon his release or discharge and shall report within three days such address to the State Bureau of Criminal Identification and Investigation. The court shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Such registration shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the State Bureau of Criminal Identification and Investigation, and (b) the fingerprints and photograph of such

person. Within three days thereafter the registering law enforcement agency shall forward such statement, fingerprints and photograph to the State Bureau of Criminal Identification and Investigation.

If any person required to register hereunder changes his residence address he shall inform, in writing within 10 days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three days after receipt of such information, forward it to the State Bureau of Criminal Identification and Investigation. The State Bureau of Criminal Identification and Investigation shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

Any person required to register under the provisions of this section who shall violate any of the provisions thereof is guilty of a misdemeanor.

The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

CHAPTER 717

An act to amend Section 11451.5 of the Education Code, relating to class hour units.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 11451.5 of the Education Code is amended to read:

11451.5. For purposes of Sections 11451 and 11451.3, the class hour unit is defined as not less than 50 minutes exclusive of passing time.

For any class period scheduled for more than one clock hour, 50 minutes of attendance during each clock hour shall represent one class hour but the sum of the class hours of attendance shall not be more than the scheduled number of clock hours in the period.

The State Board of Education may, by rule and regulation, make any and all other provisions necessary to carry out the provisions of this article.

CHAPTER 718

An act to amend Section 426 of the Penal Code, relating to public moneys.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 426 of the Penal Code is amended to read:

426. The phrase "public moneys," as used in the two preceding sections, includes all bonds and evidence of indebtedness, and all moneys belonging to the state, or any city, county, town, district, or public agency therein, and all moneys, bonds, and evidences of indebtedness received or held by state, county, district, city, town, or public agency officers in their official capacity.

CHAPTER 719

An act to amend Sections 426, 630, 1060, 1061, 1062, 1121, 1208, and 1233 of, and to add Section 1911 to, the Probate Code, relating to conservatorship.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 426 of the Probate Code is amended to read:

426. If a person otherwise entitled to administer is a minor, an incompetent person, or conservatee, letters may be granted to his or her guardian or conservator, or any other person entitled to letters, in the discretion of the court.

SEC. 2. Section 630 of the Probate Code is amended to read:

630. When a decedent leaves no real property, nor interest therein nor lien thereon, in this state, and the total value of the decedent's property in this state, over and above any amounts due to the decedent for services in the armed forces of the United States, and over and above the amount of salary not exceeding three thousand dollars ($3,000), including compensation for unused vacation, owing to decedent for services from any employment, does not exceed three thousand dollars ($3,000), the surviving spouse, the children, lawful issue of deceased children, the parent, the brother or sister of the decedent, the lawful issue of a deceased brother or sister, or the conservator of the property of any person bearing such relationship to the decedent, or the guardian of the estate of any

minor or insane or incompetent person bearing such relationship to the decedent, if such person has a right to succeed to the property of the decedent, or is the sole beneficiary under the last will and testament of the decedent, may, without procuring letters of administration, or awaiting the probate of the will, collect any money due the decedent, receive the property of the decedent, and have any evidences of interest, indebtedness or right transferred to him upon furnishing the person, representative, corporation, officer or body owing the money, having custody of such property or acting as registrar or transfer agent of such evidences of interest, indebtedness or right, with an affidavit showing the right of the affiant or affiants to receive such money or property, or to have such evidences transferred.

SEC. 3. Section 1060 of the Probate Code is amended to read:

1060. When property is assigned or distributed to a person residing out of, and having no agent in, this state, or to a distributee who cannot be found or who refuses to accept the same or to give a proper voucher therefor, or to a minor or incompetent person who has no legal guardian or conservator to receive the same or person authorized to receipt therefor, and the same or any part thereof consists of money, the executor or administrator may deposit the money, in the name of the assignee or distributee, with the county treasurer of the county in which the proceedings are pending, who shall give a receipt for the same, and be liable upon his official bond therefor; and said receipt shall be deemed and received by the court, or judge thereof, as a voucher in favor of the executor or administrator, with the same force and effect as if executed by such assignee or distributee.

SEC. 4. Section 1061 of the Probate Code is amended to read:

1061. If the assignee or distributee is a nonresident minor or a person, who has a guardian, conservator, or other fiduciary of his estate legally appointed under the laws of any foreign jurisdiction, the distribution of such assignee's or distributee's share may be made to such legally appointed fiduciary, whose receipt therefor, together with a certificate of his appointment issued, under seal of the court, by the clerk of the court appointing him, when filed with the clerk of the court in which such assignment or distribution was ordered, shall be deemed and received by the court, or a judge thereof, as a voucher in favor of said executor or administrator.

SEC. 5. Section 1062 of the Probate Code is amended to read:

1062. When personal property remains in the hands of the executor or administrator unclaimed for a year, or when the distributee refuses to accept or to give a proper receipt for the property, or is a minor or incompetent person and has no legally qualified guardian or conservator of his estate, and it appears

to the court that it is for the benefit of those interested, or if the executor or administrator desires his discharge and it appears to the court that no injury will result to those interested, the court shall order the property to be sold. The proceeds, after deducting such expenses of sale as may be allowed by the court, must be paid into the county treasury. The receipt of the treasurer shall be received by the court as a proper voucher for the deposit.

SEC. 5.5. Section 1121 of the Probate Code is amended to read:

1121. Upon application of any beneficiary of the trust, or the guardian or conservator of a beneficiary, the court, in its discretion, or a judge thereof, may order the trustee, after citation, to render his account; and such application shall not be denied where no account has been rendered to the court within six months.

SEC. 6. Section 1208 of the Probate Code is amended to read:

1208. Whenever a person has a guardian or conservator of his estate residing in this state, personal service upon the guardian or conservator of any process, notice, or order of the court, concerning the estate of a deceased person in which the ward or conservatee is interested, is equivalent to service upon the ward or conservatee, and it is the duty of the guardian or conservator to attend to the interests of the ward or conservatee in the matter. Such guardian or conservator may also appear for his ward or conservatee and waive any process, notice, or order to show cause which an adult person of sound mind might waive.

SEC. 7. Section 1233 of the Probate Code is amended to read:

1233. Except as otherwise provided by this code or by rules adopted by the Judicial Council, the provisions of Part 2 (commencing with Section 307) of the Code of Civil Procedure are applicable to and constitute the rules of practice in the proceedings mentioned in this code with regard to trials new trials, appeals, and all other matters of procedure

An affidavit or verified petition must be received as evidence when offered in any uncontested probate proceedings, including proceedings relating to the administration of estates of decedents and proceedings relating to the administration of estates of minors or incompetent persons or conservatees after a guardian or conservator has been appointed therein and in uncontested proceedings to establish a record of birth. The evidence of one or more of the subscribing witnesses may be received by an affidavit to which there is attached a photographic copy of the will, in any uncontested will proceedings

SEC. 8. Section 1911 is added to the Probate Code, to read:

1911. The conservator upon the death of the conservatee, if there is no real property, nor interest therein nor lien thereon, in this state, in the conservatorship estate, may pay in

full or in part from any assets of such conservatee which are under his control the unpaid expenses of the conservatee's funeral and last illness. When a claim therefor is presented to the conservator, he must indorse thereon his allowance or rejection, with the date thereof. If he allows the claim, it must be presented to the judge, who must in the same manner indorse upon it his approval or rejection, and, if approved, it must be filed with the clerk within 30 days thereafter. After the payment of such expenses the conservator may transfer any remaining assets in accordance with and subject to the provisions of Section 630. The value of the deceased conservatee's property for the purpose of ascertaining the right to transfer under such section shall be determined after deduction of such expenses paid.

CHAPTER 720

An act to amend Sections 17451, 17453, and 17460 of the Vehicle Code relating to service of process.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 17451 of the Vehicle Code is amended to read:

17451. The acceptance by a nonresident of the rights and privileges conferred upon him by this code or any operation by himself or agent of a motor vehicle anywhere within this state, or in the event the nonresident is the owner of a motor vehicle then by the operation of the vehicle anywhere within this state by any person with his express or implied permission, is equivalent to an appointment by the nonresident of the director or his successor in office to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceeding against the nonresident operator or nonresident owner growing out of any accident or collision resulting from the operation of any motor vehicle anywhere within this state by himself or agent, which appointment shall also be irrevocable and binding upon his executor or administrator.

SEC. 2. Section 17453 of the Vehicle Code is amended to read:

17453. The acceptance of rights and privileges under this code or any operation of a motor vehicle anywhere within this state as specified in Section 17451 shall be a signification of the irrevocable agreement of the nonresident, binding as well upon his executor or administrator, that process against him which is served in the manner provided in this article shall be of the same legal force and validity as if served on him personally in this state.

SEC. 3. Section 17460 of the Vehicle Code is amended to read:

17460. (a) The acceptance or retention by a resident of this state of a driver's license issued pursuant to the provisions of this code, shall constitute the consent of the person that personal service of summons may be made upon him at any place where he may be found and whether or not he is then a resident of this state, with the same force and effect as if served within the state in any action brought in the courts of this state upon a cause of action arising in this state out of his operation of a motor vehicle anywhere within this state.

CHAPTER 721

An act to add Section 70141.10 to the Government Code, relating to court commissioners.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 70141.10 is added to the Government Code, to read:

70141.10. In any county with a population exceeding 144,000 and not exceeding 147,000 as determined by the 1960 federal census, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive an annual salary of twelve thousand dollars ($12,000).

CHAPTER 722

An act to add Chapter 11 (commencing with Section 670) to Part 1 of Division 1 of the Insurance Code, relating to automobile insurance.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Chapter 11 (commencing with Section 670) is added to Part 1 of Division 1 of the Insurance Code, to read:

CHAPTER 11. RENEWAL

670. Every insurer who determines it will not renew a policy of automobile liability insurance shall give a written

notice of nonrenewal to the insured at least 20 days prior to the lapse of the policy or payment period. Written notice mailed to the last known address of the insured, as stated in the policy, by regular mail, shall constitute notice to the insured.

671. Any insurer willfully violating any provision of this chapter is guilty of a misdemeanor and is punishable by a fine of not exceeding five hundred dollars ($500) for each violation thereof.

CHAPTER 723

An act to amend Sections 5750, 5751, 5752, 5900 and 5902 of the Vehicle Code, relating to transfers of vehicles.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 5750 of the Vehicle Code is amended to read:

5750. Upon transfer of the title or any interest of the legal owner or owners in a vehicle registered under this code, the transferor shall write his signature, and the transferee shall write his signature and address, in the appropriate spaces provided on the certificate of ownership issued for the vehicle.

SEC. 2. Section 5751 of the Vehicle Code is amended to read:

5751. Upon transfer of the title or interest of the registered owner only in a vehicle registered under this code, the registered owner shall write his signature and address and the transferee shall write his signature and address in the appropriate spaces provided on the certificate of ownership for the vehicle, and the legal owner shall write his signature in the space provided for the new legal owner indicating that he is to retain his legal title and interest.

SEC. 3. Section 5752 of the Vehicle Code is amended to read:

5752. When the required certificate of ownership is lost, stolen, damaged, or mutilated, application for transfer may be made upon a form provided by the department for a duplicate certificate of ownership. The transferor shall write his signature and address in the appropriate spaces provided upon the application and file the same together with the proper fees for duplicate certificate of ownership and transfer.

SEC. 4. Section 5900 of the Vehicle Code is amended to read.

5900. Whenever the owner of a vehicle registered under this code sells or transfers his title or interest in, and delivers the possession of, the vehicle to another, the owner shall immediately notify the department of the sale or transfer giving the date thereof, the name and address of the owner and of

the transferee and such description of the vehicle as may be required in the appropriate form provided for such purpose by the department.

SEC. 5. Section 5902 of the Vehicle Code is amended to read:

5902. (a) Whenever any person has received as transferee a properly endorsed certificate of ownership and the registration card of the vehicle described in the certificate and card, he shall within 10 days thereafter forward the certificate and card with the proper transfer fee to the department and thereby make application for a transfer of registration.

(b) Whenever any person applies for transfer of registration on a certificate of ownership issued for the year of last registration the registration card need not be surrendered.

CHAPTER 724

An act to add Section 1744.3 to the Code of Civil Procedure, relating to conciliation courts.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 1744.3 is added to the Code of Civil Procedure, to read:

1744.3. In each county having a population of at least 365,000 but not over 400,000, as determined by Section 28020 of the Government Code as it reads at the time of the adoption of this section, the board of supervisors may provide for and thereupon the superior court may appoint a supervising counselor and such staff and office assistants as required to assist the court in disposing of its business and carrying out its functions.

The persons so appointed shall have the power to:

1. Hold conciliation conferences with parties to, and hearings in, proceedings under this chapter, and make recommendations concerning such proceedings to the judges of the conciliation court.

2. To make investigations, reports and recommendations as provided in Section 582 of the Welfare and Institutions Code with the authority given the probation officer in said code.

3. To act as domestic relation cases investigators.

4. To make recommendations relating to preage marriages.

5. Provide such supervision in connection with the exercise of its jurisdiction as the judges may direct.

6. Cause such reports to be made, such statistics to be compiled and such records to be kept as the judges may direct.

7. Hold such hearings in all conciliation court cases as may be required by the judges of the conciliation court, and make

all investigations as may be required by the court, and in general perform all such duties as may be required by the court to carry out the intent of this chapter.

The classification and salaries of persons appointed under this section shall be determined by the board of supervisors. Except the conciliation counselor who shall be exempt, all persons authorized by this section shall be subject to the county civil service provisions and all persons, including the conciliation counselor, shall be entitled to all benefits, privileges and other provisions affecting the employment of county employees.

CHAPTER 725

An act to add Section 771.3 to the Probate Code, relating to sale and purchase of personal property by executor or administrator.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 771.3 is added to the Probate Code, to read:

771.3. If a person dies, having sold, but not delivered securities or commodities not owned by such person, the executor or administrator may purchase such securities or commodities as are required to perform such incomplete contract of sale, upon obtaining an order of court. A petition for such order shall be filed with the clerk, who shall set such order for hearing by the court and shall give notice thereof for the period and in the manner required by Section 1200. but the court or judge may order the notice to be given for a shorter period or dispensed with. The order shall fix the terms and conditions of purchase, and when the maximum purchase price is fixed or when the securities or commodities are to be purchased upon an established stock, bond, or commodity exchange, no notice need be given.

CHAPTER 726

An act to amend Section 730.07 of the Civil Code, relating to principal and income.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 730.07 of the Civil Code is amended to read:

730.07. (1) All dividends on shares of a corporation forming a part of the principal which are payable

(a) In shares of the declaring corporation of the same kind and rank as the shares on which such dividend is paid; and

(b) In shares of the declaring corporation of a different kind or rank to the extent that they represent a capitalization of surplus not derived from earnings,

shall be deemed principal.

Subject to the provisions of this section, all dividends, other than those awarded to principal under (a) and (b) above, including ordinary and extraordinary dividends and dividends payable in shares or other securities or obligations of corporations other than the declaring corporation, shall be deemed income.

Where the trustee shall have the option of receiving a dividend either in cash or in the shares of the declaring corporation, it shall be considered as a cash dividend and deemed income, irrespective of the choice made by the trustee except as provided in subdivision (6) of this section.

(2) All rights to subscribe to the shares or other securities or obligations of a corporation accruing on account of the ownership of shares or other securities in such corporation, and the proceeds of any sale of such rights, shall be deemed principal. All rights to subscribe to the shares or other securities or obligations of a corporation accruing on account of the ownership of shares or other securities in another corporation, and the proceeds of any sale of such rights shall be deemed income.

(3) Where the assets of a corporation are liquidated, amounts paid upon corporate shares as cash dividends declared before such liquidation occurred or as arrears of preferred or guaranteed dividends shall be deemed income; all other amounts paid upon corporate shares on disbursement of the corporate assets to the stockholders shall be deemed principal. All disbursements of corporate assets to the stockholders, whenever made, which are designated by the corporation as a return of capital or division of corporate property shall be deemed principal.

(4) Where a corporation succeeds another by merger, consolidation or reorganization or otherwise acquires its assets, and the corporate shares of the succeeding corporation are issued to the shareholders of the original corporation in like proportion to, or in substitution for, their shares of the original corporation, the two corporations shall be considered a single corporation in applying the provisions of this section. But two corporations shall not be considered a single corporation under this section merely because one owns corporate shares of or otherwise controls or directs the other.

(5) In applying this section the date when a dividend accrues to the person who is entitled to it shall be held to be the date specified by the corporation as the one on which the stock-

holders entitled thereto are determined, or in default thereof the date of declaration of the dividend.

(6) Distributions made from ordinary income by a regulated investment company or by a trust qualifying and electing to be taxed under federal law as a real estate investment trust are income. All other distributions made by the company or trust, including distributions from capital gains, depreciation, or depletion, whether in the form of cash or an option to take new stock or cash or as option to purchase additional shares, are principal.

(7) The trustee or tenant may rely upon the statement of the paying corporation as to whether dividends are paid from profits or earnings or are a return of capital or division of corporate property, and as to any other fact, relevant under any provision of this chapter, concerning the source or character of dividends or disbursements of corporate assets.

CHAPTER 727

An act to amend Sections 8763, 8766, 11535, 11536, 11576, 11577, 11579, 11580, and 11628 of the Business and Professions Code, relating to subdivision maps and the recordation thereof.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 8763 of the Business and Professions Code is amended to read:

8763. The record of survey shall be a map, legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth, or polyester base film, 18 by 26 inches, or 18 by 13 inches, as required by the county recorder. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. A one-inch blank margin shall be left on each edge of the map.

SEC. 2. Section 8766 of the Business and Professions Code is amended to read:

8766. Within 20 days after receiving the record of survey, or within such additional time as may be reasonably necessary, the county surveyor shall examine it with respect to:

(a) Its accuracy of mathematical data and completeness of information as required in Section 8764.

(b) Its conformity to other records or satisfactory evidence of the error of such other records.

(c) Its compliance with the provisions of this chapter.

SEC. 3. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger.

(d) In any case provided in subdivisions (c)(1), (c)(2), and (c)(3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area and lot design and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms

as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivisions (b) and (c)(3), and when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

SEC. 3.5. Section 11536 of the Business and Professions Code is amended to read:

11536. Nothing contained in this chapter prevents the recording under the provisions of this chapter and any applicable local ordinances of a final map or a parcel map, of any land not defined as a subdivision.

SEC. 4. Section 11576 of the Business and Professions Code is amended to read:

11576. (a) The parcel map shall be prepared by a registered civil engineer or licensed land surveyor. It shall show the definite location of streets or property lines bounding the property for the purpose of showing proposed street widening, conformity with proposed building setback lines, and other information required by the governing body for the orderly administration of their zoning and building regulations.

(b) In any case where the division of land creates four or less parcels, the parcel map may be compiled from recorded or filed data when survey information exists on filed maps to sufficiently locate and retrace the exterior boundary lines of the parcel map and when the location of at least one of these boundary lines can be established from an existing monumented line. The parcel map shall be submitted to the county surveyor or city engineer for his examination prior to filing.

(c) In any case where the division of the land creates five or more parcels, as authorized in Section 11535, subdivisions (c)(1), (c)(2), or (c)(3), or where the division of land creates four or less parcels but does not meet the requirements of subdivision (b) above, the parcel map shall be based upon a field survey of the land made in conformance with the Land Surveyors' Act. In any case the parcel map may be based upon a field survey made in conformance with the Land Surveyors' Act. Where the parcel map is based on a field survey, it shall be submitted to the county surveyor or city engineer for his examination prior to filing.

(d) Within 20 days after receiving the parcel map, or within such additional time as may be reasonably necessary,

the county surveyor or city engineer shall examine it for the survey information shown thereon, and if he is satisfied that it is technically correct, he shall place the following certification on the map:

COUNTY SURVEYOR'S CERTIFICATE
(or CITY ENGINEER'S CERTIFICATE)

This map has been examined this _____ day of _____, 19___, for conformance with the requirements of Section 11575 of the Subdivision Map Act.

Signed_____
County Surveyor/City Engineer

(e) With the approval of their respective governing bodies, the county surveyor may perform any or all of the duties assigned to the city engineer, including the required certification. Whenever such duties are divided between the county surveyor and the city engineer, each officer shall certify to the duties performed by him.

SEC. 5. Section 11577 of the Business and Professions Code is amended to read:

11577. The parcel map shall conform to all of the following provisions:

(a) It shall be a map legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including certificates, except that such certificates may be legibly stamped or printed upon the map with opaque ink when recommended by the county recorder and authorized by the local governing body by ordinance. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

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

(c) Each parcel shall be numbered or otherwise designated.

(d) The exterior boundary of the land included within the parcel or parcels being created shall be indicated by colored border. The map shall show the definite location of such parcel or parcels, and particularly its relation to surrounding surveys. The definite location of the remainder of the original parcel need not be shown.

SEC. 6. Section 11579 of the Business and Professions Code is amended to read:

11579. Certificates shall appear on a parcel map as follows:

SURVEYOR'S CERTIFICATE

This map was prepared by me or under my direction (and was compiled from record data) (and is based upon a field survey) in conformance with the requirements of the Subdivision Map Act at the request of (Name of person authorizing map) on _____, 19___. I hereby certify (that it conforms to the approved tentative map and the conditions of approval thereof; that) all provisions of applicable state law and local ordinances have been complied with.

(Signed and sealed)_____
L. S. (or R.C.E.) No._____

RECORDER'S CERTIFICATE

Filed this ___ day of _____. 19___, at ___m. in Book___ of _____ at page ___ at the request of _____
_____

(Signed)_____
County Recorder

SEC. 7. Section 11580 of the Business and Professions Code is amended to read:

11580. After affixing his certificate as required in subdivision (d) of Section 11576 the county surveyor or city engineer shall present the map to the county recorder for filing.

When any parcel map is presented to the county recorder and is accepted by him he shall so certify on the face thereof and shall fasten the same securely in a book of parcel maps which he shall keep in his office. The recorder may not have more than 10 days to examine the parcel map before accepting or refusing it for filing. The charge for filing and for indexing by the recorder shall be the same as provided for subdivided land under Section 27372 of the Government Code. Upon acceptance by the recorder, the parcel map shall be a public record.

The original map shall be stored for safekeeping in a reproducible condition. It shall be proper procedure for the recorder to maintain for public reference a set of counter maps that are prints of the original maps and produce the original map for comparison upon demand

SEC. 8. Section 11628 of the Business and Professions Code is amended to read:

11628. When any final map is presented to the county recorder and is accepted by him, he shall so certify on the face thereof and shall fasten the same securely in a book of maps of subdivisions or of cities and towns which he shall keep in his office. The recorder may have not more than 10 days to examine the final map before accepting or refusing it for

filing. Upon acceptance by the recorder, the final map shall be a public record.

The original map shall be stored for safekeeping in a reproducible condition. It shall be proper procedure for the recorder to maintain for public reference a set of counter maps that are prints of the original maps and produce the original map for comparison upon demand.

CHAPTER 728

An act to repeal Section 25106 of, and to add Section 25106 to, the Vehicle Code, relating to lamps on motor vehicles.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 25106 of the Vehicle Code is repealed.

SEC. 2. Section 25106 is added to the Vehicle Code, to read:

25106. Any motor vehicle may be equipped with not more than two lighted white or amber cowl or fender lamps on the front, nor more than one amber side lamp on each side near the front, nor more than one red side lamp on each side near the rear. The light source of each such lamp shall not exceed four standard candlepower.

CHAPTER 729

An act to amend Section 117p of the Code of Civil Procedure, relating to small claims courts.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 117 of the Code of Civil Procedure is amended to read:

117p. A fee of two dollars ($2) shall be charged and collected for the filing of the affidavit for the commencement of any action; for each defendant to whom a copy of the affidavit is mailed by the clerk a fee of one dollar and fifty cents ($1.50) shall be charged and collected; and a fee of one dollar and fifty cents ($1.50) shall be charged and collected for the issuance of a writ of execution. 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 com-

menced under this chapter. All fees collected hereunder shall be deposited with the treasurer of the city and county or county under whose jurisdiction any such court shall exist.

CHAPTER 730

An act to amend Section 73695 of the Government Code, relating to court interpreters.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 73695 of the Government Code is amended to read:

73695. Interpreters appointed by the court pursuant to Section 68090 of this code shall be allowed for each day's actual attendance upon the court when legally required, such fee as may be allowed by the court not to exceed thirty-five dollars ($35) per day or twenty-five dollars ($25) per half day provided that the amount allowed to any one person when added to any fee received as interpreter appointed to serve this court or any other court within the County of Fresno may not in the aggregate exceed thirty-five dollars ($35) for any one day.

CHAPTER 731

An act to amend Section 45664 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to cantaloupes.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 45664 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

45664. Notwithstanding the provisions of Sections 45633 and 45663, a smaller number of larger uniformly sized cantaloupes may be packed in standard container number 41 or 42 if the container is marked with the exact count of cantaloupes which it contains. Cantaloupes of the size 18 or larger also may be packed in containers numbers 44H, 44I, 44J, and 44K if the containers are marked with the exact number of cantaloupes contained therein.

CHAPTER 732

An act to add Section 54930.1 to the Government Code, relating to state and local government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 12, 1967.]

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

SECTION 1. Section 54930.1 is added to the Government Code, to read:

54930.1. Notwithstanding Sections 54902 and 54903 of this code, any annexation to any existing street lighting district organized pursuant to the Street Lighting Act of 1919 (Part 1 commencing with Section 18000), Division 14, of the Streets and Highways Code), shall be effective for assessment or taxation purposes if the statement and maps or plat referred to in Section 54900 are filed with the assessor and the State Board of Equalization on or before May 1, 1967.

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 such necessity are:

Certain districts formed pursuant to the Street Lighting Act of 1919 did not file the statement and map or plat required by Section 54902 of the Government Code to be filed with the assessor and the State Board of Equalization by January 1, 1967, for the annexation of new territory to the districts to be effective for assessment or taxation purposes in 1967. Since these districts are formed to meet urgent community needs, it is imperative that assessments or taxes be levied for these districts in 1967. Thus, it is necessary that this act take effect immediately.

CHAPTER 733

An act to amend Sections 8955.1 and 8955.2 of the Education Code, relating to county taxes for schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1967. Filed with Secretary of State July 13, 1967.]

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

SECTION 1. Section 8955.1 of the Education Code is amended to read:

8955.1. The county superintendent of schools shall, with the approval of the county board of education, certify to the

county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded minors who come within the provisions of Section 6903 and for rental of property and the purchase of equipment by the county superintendent of schools for special training schools or classes for such minors. The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such mentally retarded minors and by adding to the result the amount required for rental of property and the purchase of equipment. The board of supervisors may include in such amount a sum for capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy an identical rate of tax in all elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools in the district, and all unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district under the jurisdiction of the county superintendent of schools, and for which approval has not been granted by the county superintendent for the district to establish and maintain such classes for the education of mentally retarded minors who come within the provisions of Section 6903 upon the taxable property in such districts sufficient to produce an amount equal to all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors. The amount received from this tax shall be deposited in the county school service fund.

SEC. 2. Section 8955.2 of the Education Code is amended to read:

8955.2. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the identification and education of physically handicapped minors who come within the provisions of Section 6801 or 6802 and for the rental of property and the purchase of equipment by the county superintendent of schools for the schools or classes for such minors.

The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools the total amounts to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such physically handicapped minors and by adding to the result the amount required for rental of property, the purchase of equipment, and capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy an identical rate of tax in all elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools in the district, and all unified or high school districts which have an average daily attendance of less than 8,000 in the high schools under the jurisdiction of the county superintendent of schools, and for which approval has not been granted by the county superintendent for the district to establish and maintain such classes for the education of physically handicapped minors who come within the provisions of Section 6801 or 6802 upon the taxable property in such districts sufficient to produce such amounts. The amount received from this tax shall be deposited in the county school service fund.

The tax shall be levied and collected on a current basis during the fiscal year on the basis of estimates of average daily attendance levels, assessed valuation levels, and the other factors involved. Excess amounts collected in any year may be applied to reduction of the tax in succeeding fiscal years, and the amount to be raised by the tax in any fiscal year may be increased by the amount of deficiency in the tax collected in prior fiscal years.

The Superintendent of Public Instruction shall adopt such rules and regulations as he may deem necessary to the implementation of this section.

SEC. 3. 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 such necessity are: In order to adjust the tax burden for the 1967–1968 fiscal year in connection with the programs conducted by the county superintendent of schools for the mentally retarded and physically handicapped minors of school districts with an average daily attendance of less than 8,000, it is necessary that this act go into immediate effect.

CHAPTER 734

An act to add Section 31703.5 to the Water Code, relating to taxation with the Desert View County Water District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 31703.5 is added to the Water Code, to read:

31703.5. Annually, the Desert View County Water District, San Bernardino County, may request, and the board of

supervisors shall levy a bond tax on land only in the district or improvement district benefited by the purposes of the bonded debt. The bond tax levied pursuant to this section constitutes a lien on all property, both land and improvements, located on the land benefited by the purposes of the bonded debt.

This special provision is necessary because the Desert View County Water District is uniquely located in a desert area where water provided by the district primarily benefits only land.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the state require the orderly and unhampered functioning of public bodies and such functioning depends on the avoidance of oppressive taxation for necessary services. Water is essential to the effective use of the desert lands in the Desert View County Water District and when provided increases the value of land manyfold. However, because building density is low, a water bond tax on land and improvements places a disproportionate burden of the costs on homeowners in the district in relation to the benefits received. In order that fair and equitable bond taxes may be levied during the fiscal year 1967–1968 in the district, it is necessary that this act take effect immediately.

CHAPTER 735

An act to amend Section 15517 of, and to repeal Section 15517 of, the Education Code, relating to school buildings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 15517 of the Education Code is amended to read:

15517. The governing board of a school district may undertake corrective measures relating to fire and panic safety recommended to the governing board pursuant to Section 13143 of the Health and Safety Code by the State Fire Marshal in connection with any school building under the jurisdiction of the governing board without compliance with the procedures otherwise prescribed by this article.

The maximum rate of tax of any school district for any school year is hereby increased by such amount as will produce the amount necessary to effect the corrective measures

recommended by the State Fire Marshal, as provided in the preceding paragraph, as shown by the budget of the district for such school year, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed ten cents ($0.10) for each one hundred dollars ($100) of the assessed valuation of property within the district in each fiscal year.

If at the end of any school year, there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for expenditures of the school district during that school year required for purposes of this section.

This section shall remain in effect until July 1, 1969.

SEC. 2. Section 15517 of the Education Code is repealed.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 272 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 272 takes effect; at which time Section 15517 of the Education Code as amended by Section 1 of this act is repealed.

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 such necessity are:

This act extends the termination date of this section from July 1, 1967, in this section to July 1, 1969. Because of the large number of school children affected by this act, it is necessary that its provisions be extended immediately in order to permit the school districts to raise sufficient funds to assure the school children and their parents that the schools have adequate fire protection. The proper and effective administration of this law requires that it shall remain in effect without interruption.

CHAPTER 736

An act to add Article 10.3 (commencing with Section 69994) to Chapter 5 of Title 8 of the Government Code, relating to courts.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Article 10.3 (commencing with Section 69994) is added to Chapter 5 of Title 8 of the Government Code, to read:

Article 10.3. Official Reporters in Counties With a Population of 490,000 to 503,000

69994. In each county with population of more than 490,000 and less than 503,000, as determined by the 1960 federal census, official reporters of the superior court and official reporters pro tempore of the superior court may be assigned to the municipal courts in both criminal and civil cases, upon the request of the presiding judge of the municipal court.

In each such county the fee for reporting testimony and proceedings in contested cases is fifty dollars ($50) per day, or any fractional part thereof. The fee for reporting each default or uncontested action or proceeding is fifteen dollars ($15). If more than four defaults or uncontested matters are reported in any one day, or two or more defaults are reported in conjunction with any contested case, the reporter's fee shall be at the rate of fifty dollars ($50) per day. These fees shall apply to assignments in the municipal as well as the superior court.

CHAPTER 737

An act to add Section 3440.1 to the Civil Code, relating to escrow transactions.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 3440.1 is added to the Civil Code, to read:

3440.1. In any case where a bulk sales notice published pursuant to the provisions of Division 6 (commencing with Section 6101) of the Uniform Commercial Code states that the transaction will be handled through an escrow and that creditors may file their claims with the escrow agent, the intended transferee shall deposit with the escrow agent the full amount of the purchase price or consideration, and the escrow agent shall, if at the time scheduled for the closing of the escrow the amount of cash deposited in the escrow is insufficient to pay in full all of the claims filed with the escrow agent, do both of the following:

(a) Delay the closing of the escrow and the passing of title for a period of not less than 10 days nor more than 20 days.

(b) Send a written notice to each creditor, who has filed a claim, within two days after the date scheduled for the closing of the escrow stating the amount of cash deposited in the escrow and the percentage which it represents of the aggregate of all claims filed and stating that the escrow will be closed at a specified place, date, and time which shall be not less than

10 days nor more than 20 days from the originally scheduled closing date.

No funds shall be drawn from the escrow, prior to the actual closing and completion of the escrow, for the payment, in whole or in part, of any commission, fee, or other consideration as compensation for a service which is contingent upon the performance of any act, condition, or instruction set forth in an escrow.

CHAPTER 738

An act to amend Section 69900 of the Government Code, relating to superior courts.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 69900 of the Government Code is amended to read:

69900. In each county or city and county with a population of over 730,000 and under 850,000, as determined by the 1960 federal census, a majority of the judges of the superior court may appoint the following employees:

(a) One senior assistant jury commissioner at an annual salary of thirteen thousand three hundred eighty dollars ($13,380).

(b) Eight judicial secretaries, each at an annual salary of eight thousand eight hundred twenty dollars ($8,820).

(c) Two senior deputy clerks, each at an annual salary of eight thousand seven hundred dollars ($8,700).

(d) Two deputy information clerks, each at an annual salary of seven thousand four hundred forty dollars ($7,440).

(e) Two probate court commissioners, each at an annual salary of twenty-one thousand three hundred dollars ($21,300).

(f) One chief calendar clerk at an annual salary of thirteen thousand three hundred eighty dollars ($13,380).

(g) One domestic relations court commissioner at an annual salary of sixteen thousand one hundred forty dollars ($16,140).

(h) Three domestic relations deputy commissioners, each at an annual salary of twelve thousand two hundred forty dollars ($12,240).

(i) One counselor of conciliation, at an annual salary of fourteen thousand four hundred dollars ($14,400).

(j) One court commissioner at an annual salary of twenty-one thousand three hundred dollars ($21,300).

(k) Three assistant court commissioners and law clerks, each at an annual salary of eleven thousand eight hundred eighty dollars ($11,880).

(*l*) One counselor in mental health, at an annual salary of twelve thousand two hundred forty dollars ($12,240).

(m) Four referees, juvenile court, each at an annual salary of twenty-one thousand three hundred dollars ($21,300).

(n) One administrative assistant to the juvenile court judge at an annual salary of thirteen thousand sixty-eight dollars ($13,068).

The salaries of such employees shall be paid by the county or city and county in which they serve.

CHAPTER 739

An act to add Section 6738.1 to the Business and Professions Code, relating to the practice of engineering.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 6738.1 is added to the Business and Professions Code, to read:

6738.1. The provisions of Section 6738 shall not prevent a partnership, firm, or corporation engaged in rendering civil engineering services from using in its name the name of a deceased person where the deceased person's name had been used in the name of such partnership, firm, or corporation or its predecessor in interest for a period of five consecutive years prior to the death and continuously after the death and where the deceased person shall have been a member of such partnership, firm, or corporation or its predecessor in interest and registered by the board in a branch of professional engineering, or as an architect continuously for a period of five years prior to his death, if the board, upon written application informing it of the proposed method of carrying on the business and of the changes, if any, in personnel in charge of the engineering activities of such partnership, firm, or corporation, determines, after hearing, that the actual operating organization thereof is otherwise substantially the same as prior to the death and that the public safety, health, and welfare will not be impaired; provided that in the practice of civil engineering through such partnership, firm, or corporation it shall continue to be so carried on and shall otherwise be subject to the provisions of paragraphs (1) and (2) of subdivision (a) of Section 6738. A partnership, firm, or corporation, which has complied with the provisions of subdivision (e) of Section 6738 shall be exempted from compliance with this section.

Any partnership, firm, or corporation using in its name the name of a deceased person as provided for in this section shall designate on its letterheads and other listings of firm personnel the years in which the deceased was born and died.

CHAPTER 740

An act to amend Sections 172f and 172g of the Penal Code, relating to intoxicating liquor.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 172f of the Penal Code is amended to read:

172f. The provisions of Sections 172, 172a, 172b, 172d, and 172g of this code shall not apply to the sale or the exposing or offering for sale of any intoxicating liquor in any premises within the areas prescribed by said sections for which a license was issued under the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000), Business and Professions Code) and is in effect on the effective date of this section or on the effective date of any amendment to Section 172g specifying an additional institution, or in any licensed premises which may become included in such a prescribed area because of the extension of the boundaries of any of the institutions mentioned in said sections or because of the increased enrollment or number of resident students at any of such institutions.

Any such licenses may be transferred from person to person, and may be transferred from premises to premises if the premises to which the license is transferred are not located nearer to the boundaries of the institution, as they exist on the date of the transfer, than the premises from which the license is transferred.

SEC. 2. Section 172g of the Penal Code is amended to read:

172g. 1. Every person who, within one mile of that portion of the grounds of La Verne College (as determined by the County of Los Angeles to be tax exempt for educational purposes), or within one mile by air line from the intersection of Sierra Vista, Pierce, and Campus Drive streets at the entrance to La Sierra College in the City of Riverside, sells, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment in the county jail of not less than 50 days nor more than 1 year, or by both such fine and imprisonment in the discretion of the court.

2. The provisions of this section shall not apply to the sale or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale or exposing or offering for sale of beer.

3. Distances provided in this section shall be measured not by air line but by following the shortest road or roads connecting the points in question except those applying to La Sierra College.

CHAPTER 741

An act to add Section 17567.5 to the Business and Professions Code, relating to motel and motor court rate signs.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 17567.5 is added to the Business and Professions Code, to read:

17567.5. The governing body of any city, county, or city and county may, pursuant to reasonable exercise of the police power, enact ordinances imposing regulations equal to or greater than those imposed by this article.

CHAPTER 742

An act to amend Section 6546 of the Business and Professions Code, relating to the practice of barbering.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 6546 of the Business and Professions Code is amended to read:

6546. Any person is qualified to receive a certificate of registration as a registered apprentice if he complies with each of the following:

(a) He has completed the proper grade in school as provided in Section 6546.5, or has an equivalent education, as determined by an examination conducted by an examining agency prescribed by the board.

(b) He is at least 17½ years of age.

(c) He is of good moral character and temperate habits.

(d) He has graduated from a college approved by the board.

(e) He has passed a satisfactory examination conducted by the board to determine his fitness to practice as a registered apprentice.

Any applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination shall complete a further course of study of not less than 250 hours to be completed in a college approved by the board within three months of not more than eight hours in any one working day, except that a student may be permitted to complete a service in process with time credit, but not to exceed 30 consecutive minutes.

No person holding a certificate of registration as a registered apprentice shall work for more than five years as an appren-

tice nor shall he work more than six months after completing the required working time of an apprenticeship without applying for and taking the examination for a certificate to practice as a registered barber, except that the board may extend this five-year or six-month period upon showing of good cause, which shall include but not be limited to delays in applying for and taking the examination caused by illness of or accident to the apprentice or service in the armed forces of the United States.

The five-year period contained in this section shall commence on the first day of employment as an apprentice for each person who obtains an original certificate of registration as an apprentice prior to the 61st day after final adjournment of the 1967 Regular Session of the Legislature and on the date of issue contained in an original certificate of registration as an apprentice for each person who obtains an original certificate of registration as an apprentice on or after the 61st day after final adjournment of the 1967 Regular Session of the Legislature. The five-year period contained in this section applies to apprentices who have not, on the effective date of the amendments made to this section at the 1967 Regular Session of the Legislature, completed the three-year period in effect prior to the amendment, as well as to those who are licensed after such date.

CHAPTER 743

An act authorizing the Department of Parks and Recreation to lease property belonging to the state, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Notwithstanding any other provision of law, the Department of Parks and Recreation may lease, subject to such terms and conditions as may be necessary for the protection of the state parks system, for a period not in excess of 20 years to any agency created pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code by agreement between any city having over 570,000 population and any county having over 1,000,000 population as shown by the last federal decennial census any part of any state parks within such county, provided some parts of such parks so leased have heretofore been utilized by such city or by such county or by both for park and recreation purposes pursuant to agreement with the State of California acting through the State Park Commission, and provided further that such lease shall require that such uses be continued during the term of the lease.

SEC. 2. The term of any lease entered into pursuant to Section 1 shall not be deemed to include any period after the termination of such lease notwithstanding the inclusion in such lease of any option on behalf of such agency or any member or the members thereof to reinstate the use of such parts pursuant to an agreement substantially in the nature of the agreements existing prior to such lease.

SEC. 3. The department shall report to the Legislature on or before March 1, 1968, as to the progress made in negotiating such lease or leases. This act shall not be construed, however, to require the department to enter into any such lease.

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 such necessity are:

The City of San Diego and the County of San Diego, to which, among others, state park lands may be leased pursuant to this legislation, are jointly engaged in a heavily attended recreational camping program utilizing state park lands. Many of the facilities now existing on these properties require replacement and if not soon replaced may become so dangerous as to require the termination of this valuable camping and nature contacting program. The leasing of this property as authorized by this act will permit financing the immediate replacement and construction of needed facilities and the uninterrupted continuation of the camping program.

CHAPTER 744

An act to amend Section 53844 of the Government Code, relating to loans to local agencies.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 53844 of the Government Code is amended to read:

53844. In any county which qualifies as set forth in Section 53840 to use the foregoing procedure for short-term financing, all interest payments on the loans may, in the discretion of the board of supervisors, be charged to the general fund of any district or fund for which loans have been made. All interest earned on funds in the county treasury shall be credited to said general fund of the county, excepting therefrom the interest on deposits of school districts which shall accrue to the general funds of the respective school districts, the interest earned on specific investments of a local agency

as authorized by Section 53601 of this code or by Section 5007 of the Education Code, and moneys on deposit in court in eminent domain actions pursuant to order of court to secure immediate possession.

CHAPTER 745

An act to amend Section 5782.5 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor July 17, 1967 Filed with Secretary of State July 17, 1967]

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

SECTION 1. Section 5782 5 of the Public Resources Code is amended to read:

5782.5. The district board shall have and exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this chapter, including but not limited to the power:

(a) To sue and be sued.

(b) To take or acquire real or personal property of every kind or any interest therein, within and without the district, by grant, purchase, gift, devise or lease, and to hold, manage, occupy, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district.

(c) To exercise the right of eminent domain, except that such right shall be exercised only within the territory of the district after approval for such exercise has been granted by resolution of the supervising authority.

(d) To appoint and employ and pay persons who are necessary and adequately trained, to maintain and operate the property, improvements and facilities under its control and to operate programs of public recreation. The board may employ personnel at the pleasure of the board or by contract, and may establish a merit system, retirement privileges, and provide for other employment practices either directly or through contractual arrangement with the state or other public agency or private organization.

(e) To employ counsel.

(f) To enter into and perform all necessary contracts.

(g) To borrow money, give security therefor, purchase on contract, and do and perform any and all acts and things necessary or proper to carry out the provisions of this chapter.

(h) To contract with any public entity or person for the construction by the public entity or person or a contractor, financing, maintenance, or operation of recreational facilities and activities within the district, provided that the district shall nevertheless be responsible for and maintain control over such construction, financing or operation of such recreational facilities and activities, and that the district shall receive a

full consideration therefor. All contracts for furnishing materials or supplies, or for constructing any building, structure, or improvement, when the expenditures will exceed the sum of three thousand dollars ($3,000), shall be let to the lowest responsible bidder, after notice inviting bids, published in a newspaper in the district at least one week before the time of receiving bids. The district board may reject all bids and readvertise, or by a four-fifths vote may elect to purchase the materials or supplies in the open market, or to construct the building, structure, or improvement by force account.

CHAPTER 746

An act to amend Sections 2635 and 5097 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 2635 of the Revenue and Taxation Code is amended to read:

2635. The tax collector shall give notice by letter to the taxpayer, whether or not said taxpayer is also the assessee, where his records show that, with respect to particular property, taxes might have been:

(a) Paid more than once.

(b) Erroneously or illegally collected.

(c) Paid on an assessment in excess of the ratio of assessed value to the full cash value of the property as provided in Section 401 by reason of the assessor's clerical error.

(d) Paid on an assessment of improvements when the improvements did not exist on the lien date.

The notice shall be sent to the address last known by the tax collector and shall state that his records show that taxes for a named year might have been paid or collected in any of the ways specified in subdivisions (a) to (d), inclusive, and that a refund claim over the amount of one dollar ($1) may be filed pursuant to Section 5096.

SEC. 2. Section 5097 of the Revenue and Taxation Code is amended to read:

5097. No order for a refund under this article shall be made except on a claim:

(a) Verified by the person who paid the tax, his guardian, executor, or administrator.

(b) Filed within three years after making of the payment sought to be refunded or within one year after the mailing of notice as prescribed in Section 2635, whichever is later.

An application for a reduction in an assessment filed pursuant to Section 1607 or Section 1760 shall also constitute a suffi-

cient claim for refund under this section if the applicant states in the application that the application is intended to constitute a claim for refund. If the applicant does not so state, he may thereafter and within the period provided in subdivision (b) file a separate claim for refund of taxes extended on the assessment which applicant applied to have reduced pursuant to Section 1607 or Section 1760.

SEC. 3. This act shall be operative with respect to any payment made more than once prior to the effective date of this act and to any payment made thereafter.

CHAPTER 747

An act to amend Sections 10023, 10500, 10505, 10508, 10509, 10511, 10512.5, 10514.5, 10514.7, 10519, 10523, 10524.5, 10524.7, 10528, 10561, 10562, 10567, and 10600 of, and to repeal Sections 10025, 10502, 10516, 10518.5, 10518.7, 10524, 10563, 10593.5, 10595 and 10598 of, the Business and Professions Code, relating to mineral, oil and gas salesmen.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 10023 of the Business and Professions Code is amended to read:

10023. "Mineral, oil and gas licensee" refers to a person licensed under Chapter 7 (commencing with Section 10500) of this part.

SEC. 2. Section 10025 of the Business and Professions Code is repealed.

SEC. 3. Section 10500 of the Business and Professions Code is amended to read:

10500. It is unlawful for any person to engage in the business, act in the capacity of, advertise or assume to act as a mineral, oil and gas broker within this state without first obtaining a mineral, oil and gas license from the division.

The commissioner may prefer a complaint for violation of this section before any court of competent jurisdiction, and the commissioner and his counsel, deputies or assistants may assist in presenting the law or facts at the trial.

It is the duty of the district attorney of each county in this state to prosecute all violations of this section in their respective counties in which the violations occur.

SEC. 4. Section 10502 of the Business and Professions Code is repealed.

SEC. 5. Section 10505 of the Business and Professions Code is amended to read:

10505. The definitions of a mineral, oil and gas broker as set forth in Sections 10501 and 10504, do not include the following:

(a) Any person acting solely as a depositary under an oil or gas lease, or oil and gas lease, other than for purposes of sale.

(b) Any person who engages in any transaction pursuant to an order of a court of competent jurisdiction.

(c) Any person, and the officers and employees of such person, engaged in the business of drilling for or producing oil or gas, or of mining for or producing minerals.

(d) Any person whose activities are confined to negotiations between an owner of mineral, oil or gas lands, leases or mineral rights, on the one hand, and a person organized for the purpose of engaging in oil or gas or mineral or metal production or engaged in the business of oil or gas or mineral or metal production, on the other.

(e) Any owner of mineral rights or land, other than oil or gas rights or land, when dealing solely with his said rights or land.

SEC. 6. Section 10508 of the Business and Professions Code is amended to read:

10508. No person engaged in the business or acting in the capacity of a mineral, oil and gas broker within this state shall bring or maintain any action in the courts of this state for the collection of compensation for the performance of any of the acts mentioned in this article without alleging and proving that he was a duly licensed mineral, oil and gas broker at the time the alleged cause of action arose.

SEC. 7. Section 10509 of the Business and Professions Code is amended to read:

10509. It is unlawful for any licensed mineral, oil and gas broker to employ or compensate, directly or indirectly, any person for performing any of the acts within the scope of this chapter who is not a licensed mineral, oil and gas broker.

For a violation of any of the provisions of this section, the commissioner may temporarily suspend or permanently revoke the license of the mineral, oil and gas broker in accordance with the provisions of this part relating to hearings.

SEC. 8. Section 10511 of the Business and Professions Code is amended to read:

10511. Any person acting as a mineral, oil and gas broker without a license shall, upon conviction thereof, if a natural person, be punished by a fine of not to exceed five hundred dollars ($500), or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment in the discretion of the court; or if a corporation, be punished by a fine of not to exceed five thousand dollars ($5,000).

SEC. 9. Section 10512.5 of the Business and Professions Code is amended to read:

10512.5. Each advertisement or other statement which is published by a mineral, oil and gas broker offering to assist persons to file applications for the purchase or lease of, or to locate or enter upon, lands owned by the state or federal government shall, when published, indicate the name of the broker

for whom it is published and state that he is licensed as a mineral, oil and gas broker by the State of California.

SEC. 10. Section 10514.5 of the Business and Professions Code is amended to read:

10514.5. Any mineral, oil and gas broker who assists another or others for a compensation, in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the state or federal government shall report to the commissioner the names and addresses of all persons he has assisted in filing applications for land owned by the state or federal government and the amount of compensation received from such persons. The report shall be filed quarterly within 10 days after the end of each calendar quarter.

SEC. 11. Section 10514.7 of the Business and Professions Code is amended to read:

10514.7. The commissioner may prescribe by regulation the information which shall be contained in contracts or other agreements by a mineral, oil and gas broker, to assist another or others in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the state or federal government, including, but not limited to, information with regard to the services agreed to be performed and information with regard to the hazards which may prevent the person to be assisted in filing an application with the state or federal government ever receiving any state or federal land under the application.

SEC. 12. Section 10516 of the Business and Professions Code is repealed.

SEC. 13. Section 10518.5 of the Business and Professions Code is repealed.

SEC. 14. Section 10518.7 of the Business and Professions Code is repealed.

SEC. 15. Section 10519 of the Business and Professions Code is amended to read:

10519. The commissioner may, in his discretion, waive the examination of any applicant for a mineral, oil and gas broker's license who held an unrevoked or unsuspended renewal mineral, oil and gas license within the two-year period immediately preceding the date of the application for such renewal license, as an individual broker, an officer of a corporation, or member of a copartnership.

SEC. 16. Section 10523 of the Business and Professions Code is amended to read:

10523. The mineral, oil and gas license of a broker shall be prominently displayed in his office.

SEC. 17. Section 10524 of the Business and Professions Code is repealed.

SEC. 18. Section 10524.5 of the Business and Professions Code is amended to read:

10524.5. When a holder of a mineral, oil and gas broker license relinquishes his license to assume an office in local,

state, or federal government, he may have it reinstated at any time within six months of termination of his service in office upon payment of the appropriate renewal fee.

SEC. 19. Section 10524.7 of the Business and Professions Code is amended to read:

10524.7. A licensed mineral, oil and gas broker may request that his license be inactivated The commissioner shall thereupon issue to such person an inactive license certificate. This inactive license certificate may consist of the license itself with an endorsement stating that it is inactive and does not permit the holder to transact business under it.

An inactive license which is not suspended or revoked may be reinstated at any time during the period for which the license was issued and may be renewed each four-year period upon the making of application therefor and the payment of the appropriate fee.

The holder of an inactive broker license need not maintain a place of business or a sign as required by Sections 10525 and 10527.

The holder of an inactive broker license shall not be entitled to act in any capacity for which the license is required until the license has been reinstated.

SEC. 20. Section 10528 of the Business and Professions Code is amended to read:

10528 For a violation of any of the provisions of Sections 10523, 10525 and 10527, the commissioner may temporarily suspend or permanently revoke the license of the mineral, oil and gas licensee in accordance with the provisions of this part relating to hearings.

SEC. 21. Section 10561 of the Business and Professions Code is amended to read:

10561. The commissioner may, upon his own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a mineral, oil and gas licensee, within this state, and he may temporarily suspend or permanently revoke a mineral, oil and gas license at any time if the licensee, while a mineral, oil and gas licensee, in performing or attempting to perform any of the acts within the scope of this chapter, has been guilty of any of the following:

(a) Making any substantial misrepresentation.

(b) Making any false promises of a character likely to influence, persuade or induce.

(c) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.

(d) Commingling with his own money or property the money or property of others which is received and held by him.

(e) Claiming or demanding a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange mineral, oil or gas property for compensation, or commission where such agreement does

not contain a definite, specified date of final and complete termination.

(f) The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission, or profit under any agreement authorizing or employing such licensee to do any acts for which a license is required under this chapter for compensation or commission prior to or coincident with the signing of an agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.

(g) The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy or exchange mineral, oil or gas property for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.

(h) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

SEC. 22. Section 10562 of the Business and Professions Code is amended to read:

10562. The commissioner may suspend or revoke the license of any mineral, oil and gas licensee, or may deny the issuance of a license to an applicant, who has done any of the following:

(a) Procured, or attempted to procure, a mineral, oil and gas license, for himself by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for a mineral, oil and gas license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation or information.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any mineral, oil or gas property offered for sale.

(d) Willfully disregarded or violated any of the provisions of the Real Estate Law (commencing with Section 10000 of this code) or of Chapter 1 (commencing with Section 11000) of Part 2 of this code or of the rules and regulations of the

commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2.

(e) Acted or conducted himself in a manner which would have warranted the denial of his application for a mineral, oil and gas license.

(f) Willfully used the term "realtor" or any trade name or insigne of membership in any real estate organization of which the licensee is not a member.

(g) Demonstrated negligence or incompetence in performing any acts for which he is required to hold a license.

(h) Has used his employment by a governmental agency in a capacity giving access to records, other than public records, in such manner as to violate the confidential nature of such records.

(i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

SEC. 23. Section 10563 of the Business and Professions Code is repealed.

SEC. 24. Section 10567 of the Business and Professions Code is amended to read:

10567. All records, books and accounts of a mineral, oil and gas broker as defined in this part whether or not actually so licensed shall, upon the appearance of sufficient cause, be subject to inspection and audit by the commissioner or his designated representative.

SEC. 25. Section 10593.5 of the Business and Professions Code is repealed.

SEC. 26. Section 10595 of the Business and Professions Code is repealed.

SEC. 27. Section 10598 of the Business and Professions Code is repealed.

SEC. 28. Section 10600 of the Business and Professions Code is amended to read:

10600. For reinstatement of a license within a license period or at the time of renewal the fee is four dollars ($4).

As used in this section, "reinstatement of a license" means the reissuance of a canceled or inactivated mineral, oil and gas broker's license.

CHAPTER 748

An act to amend Section 25350 of the Government Code, relating to property purchases by counties.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 25350 of the Government Code is amended to read:

25350. No purchase of real property, including any water right or other interest therein, of which the purchase price is in excess of three thousand dollars ($3,000) shall be made unless a notice of the intention of the board of supervisors to make the purchase is published in the county pursuant to Section 6063. If no newspaper is published in the county, the notice shall be posted at least three weeks prior to the time the board meets to consummate the purchase in at least three public places in each supervisorial district. The notice shall contain a description of the property proposed to be purchased, the price, the vendor, and a statement of the time the board will meet to consummate the purchase.

Nothing contained in this section shall be deemed to preclude the settlement of an action in eminent domain or the acquisition of any real property or interest therein for the uses and purposes of county highways without compliance with this section.

CHAPTER 749

An act to add Section 4179.3 to the Health and Safety Code, relating to boards of directors of garbage and refuse disposal districts.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 4179.3 is added to the Health and Safety Code, to read:

4179.3. Members of the district board may be allowed meal and actual necessary travel expenses incurred in the performance of official business of the district as approved by the district board.

CHAPTER 750

An act to amend Section 653 of the Education Code, relating to the public schools.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 653 of the Education Code is amended to read:

653. County boards of education may:

(a) Adopt rules and regulations governing the administration of the office of the county superintendent of schools.

(b) Review the county superintendent of schools annual itemized estimate of anticipated revenue and expenditures

before such annual itemized estimate is filed with the auditor as required by Section 29040 of the Government Code and make such revisions, reductions or additions therein that it deems advisable and proper. No such itemized estimate shall be filed by the county superintendent of schools or be approved by the board of supervisors until it has first been so reviewed and approved by the county board of education.

(c) In the name by which the board of education is designated, acquire, hold and convey real property for the purpose of housing the offices and the services of the county superintendent of schools, except that this subdivision shall only apply to such county boards of education to which all the duties and functions of the county board of supervisors have been transferred pursuant to Section 671.

CHAPTER 751

An act to amend Section 1240 of the Code of Civil Procedure, relating to eminent domain.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 1240 of the Code of Civil Procedure is amended to read:

1240. The private property which may be taken under this title includes:

1. All real property belonging to any person;

2 Lands belonging to this state, including tide and submerged lands, not within the corporate limits of any city, or city and county, or to any county, incorporated city, or city and county, village or town, not appropriated to some public use; provided, that all 16th and 36th sections, both surveyed and unsurveyed, owned by the state or the United States, which may now or may hereafter be included within the exterior boundaries of a national reservation, or of a reserve, or within the exterior boundaries of lands withdrawn from public entry, shall be and hereby are withheld from the operation of this title and shall not be condemned as against the state or the United States;

3. Property appropriated to public use; but such property shall not be taken unless for a more necessary public use than that to which it has already been appropriated; provided, that where any such property has been so appropriated by any individual, firm or private corporation, the use thereof for a state highway or a public street or highway of the state, or a county, city and county, or incorporated city or town, joint highway district, or the use thereof by the state or a county, city and county, incorporated city or town, joint highway dis-

trict, or irrigation or municipal water district, for the same public purpose to which it has been so appropriated, or for any other public purpose shall be deemed more necessary uses than the public use to which such property has already been appropriated; and provided further, that where property already appropriated to a public use or purpose, by any person, firm or private corporation, is sought to be taken by the state, a county, city and county, incorporated city or town, joint highway district, irrigation or municipal water district, for another public use or purpose, which is consistent with the continuance of the use of such property or some portion thereof for such existing purpose, to the same extent as such property is then used, or to a less or modified extent, then the right to use such property for such proposed public purpose, in common with such other use or purpose, either as then existing, or to a less or modified extent, may be taken by the state, such county, city and county, incorporated city or town, joint highway district, or irrigation or municipal water district, and the court may fix the terms and conditions upon which such property may be so taken, and the manner and extent of the use thereof for each of such public purposes, and may order the removal or relocation of any structures, or improvements therein or thereon, so far as may be required by such common use. But property appropriated to the use of any county, city and county, incorporated city or town, or municipal water district, may not be taken by any other county, city and county, incorporated city or town, or municipal water district, while such property is so appropriated and used for the public purposes for which it has been so appropriated.

4. Property appropriated to any public use by any irrigation district, may be taken by another irrigation district for another public use and purpose, which is consistent with the use of such property for such existing purposes to the same extent as such property is then used; provided, that the right to such limited use in common shall include the right to enlarge, change or improve the property so taken; provided further, that such enlargement, change or improvement shall not interfere with the original use or any necessary extension or enlargement of such use.

5. Franchises for any public utility, and all kinds of property of any nature whatsoever used, either during the existence of or at the termination of said franchise, to supply and furnish the service of such public utility, but such franchise or property shall not be taken except for a more necessary public use.

6. All rights-of-way for any and all the purposes mentioned in Section 1238, and any and all structures and improvements on, over, across or along such rights-of-way, and the lands held or used in connection therewith shall be subject to be connected with, crossed, or intersected by or embraced within any other right-of-way or improvements, or structures thereon. They shall also be subject to a limited use, in com-

mon with the owner thereof, when necessary; but such uses, crossings, intersections, and connections shall be made in manner most compatible with the greatest public benefit and least private injury.

7. All classes of private property not enumerated may be taken for public use, when such taking is authorized by law.

8. Proceedings to condemn lands belonging to this state are hereby authorized, and must be maintained and conducted in the same manner as are other condemnation proceedings provided for in this title; except, that in such proceedings the summons and a copy of the complaint must be served on the Governor, Attorney General, and the State Lands Commission of this state.

CHAPTER 752

An act to amend Sections 2239, 4107, 4110, and 4111 of the Corporations Code, relating to shareholder approval of corporate mergers and consolidations.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 2239 of the Corporations Code is amended to read:

2239. Any action which, under any provision of this division, may be taken at a meeting of the shareholders, may be taken without a meeting if authorized by a writing signed by all of the persons who would be entitled to vote upon such action at a meeting, and filed with the Secretary of the corporation.

SEC. 2. Section 4107 of the Corporations Code is amended to read:

4107. The agreement shall be approved by the vote of the holders of not less than two-thirds of the issued and outstanding shares of each class, regardless of limitations or restrictions on the voting power thereof, of each corporation, entitled to vote at a meeting duly called upon notice of the time, place, and purpose thereof, duly given to each shareholder at least 20 days prior to the date of the meeting, except that notice of the time, place and purpose of any such meeting may be waived as provided in Section 2209. Unless the notice be waived, there shall be mailed with the notice of the meeting a statement of the general terms of the proposed agreement. Different series of the same class of shares shall not constitute different classes of shares for the purpose of voting by classes. Any holder of shares entitled to vote at the meeting may vote part of the shares to approve the agreement of merger or consolidation and refrain from voting the remaining shares in favor of the agreement, but if he fails to specify the number of shares he is voting to approve the agreement, it will be con-

clusively presumed that his approving vote is with respect to all shares which he is entitled to vote.

The articles of incorporation may require the vote of the holders of any greater percentage or fraction of the outstanding shares of any one or more classes for the approval of any merger or consolidation than would otherwise be required under this article, but in no case may the articles prohibit any merger or consolidation authorized by this chapter.

SEC. 3. Section 4110 of the Corporations Code is amended to read:

4110. After approval by the directors and shareholders has been given, the president or a vice president and the secretary or an assistant secretary of each corporation shall execute a certificate, which shall be verified by their affidavit stating, in effect, that the matters set forth in the certificate are true of their own knowledge, and shall set forth:

(a) The time and place of the meeting of the board of directors.

(b) A copy of the resolution adopted by the board of directors showing approval of the terms and conditions of the agreement of merger or consolidation.

(c) The vote in favor of the resolution.

(d) The time and place of the meeting of the shareholders to approve the agreement or the fact that written consents of all shareholders to approval of the agreement have been filed with the secretary of the corporation; that the terms and conditions of the agreement were approved at such meeting or by such written consent, and the total number of each class of shares by whose vote or written consent the agreement was approved.

(e) The total number of outstanding shares of each class.

(f) A statement of the mailing of the notice of the time, place, and purpose of the meeting of the shareholders, or, if the notice was waived pursuant to Section 2209, or if the agreement was approved by written consent of the shareholders, a statement of such fact.

(g) The name of the surviving or consolidated corporation.

(h) That the agreement for merger or consolidation with (names of other corporations which are parties to the agreement) filed with the Secretary of State concurrently with this certificate, pursuant to Section 4113, is the agreement hereinabove referred to and sets forth the terms and conditions approved by said resolution of directors and vote or written consent of shareholders.

SEC. 4. Section 4111 of the Corporations Code is amended to read:

4111. Any amendment to the agreement may be adopted, and the agreement so amended may be approved, at the meeting of the shareholders of any of the corporations or by the written consent of such shareholders, in the same manner and by the same vote as the original agreement. If the agreement so

amended is approved at a meeting or by written consent by the shareholders and by the board of directors of each of the corporations by the vote or written consent required for approval of the original agreement, the agreement so amended shall be signed and acknowledged and shall have certified therewith the approval of the directors and of the shareholders in the same manner as provided for the original agreement, and shall then constitute the merging or consolidating agreement.

CHAPTER 753

An act to amend Sections 24074 and 24076 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 24074 of the Business and Professions Code is amended to read:

24074. Before the filing of such a transfer application with the department, if the intended transfer of the business or license involves a purchase price or consideration, the licensee and the intended transferee shall establish an escrow with some person, corporation, or association not a party to the transfer acting as escrow holder, and the intended transferee shall deposit with the escrow holder the full amount of the purchase price or consideration. The licensee and intended transferee shall also enter into an agreement, which agreement shall be deposited with the escrow holder, directing the escrow holder, after the requirements for transfer as provided in Section 24049 are satisfied, to pay out of the purchase price or consideration, the claims of the bona fide creditors of the licensee who file their claims with the escrow holder before the escrow holder is notified by the department of its approval of the transfer of the license or if the purchase price or consideration is not sufficient to pay the claims in full, to distribute the consideration as follows:

First, To the payment of claims of secured creditors to the extent of the proceeds which arise from the sale of the security;

Second, To the United States for claims based on income or withholding taxes;

Third, To the payment of claims for wages and salaries earned not more than 90 days prior to the transfer of the license and to the payment of claims on mechanic liens;

Fourth, To the payment of escrow fees and the payment of claims for prevailing brokerage fees for services rendered and claims for reasonable attorney's fees for services rendered;

Fifth, To the payment of claims for goods sold and delivered to the transferor for resale at his license premises;

Sixth, To the payment of all other claims. The last category of creditors for whom there are not sufficient assets available for the payment of the claim in full, shall be paid pro rata.

If the transferor licensee disputes any claim, the amount or pro rata amount thereof shall be retained by the escrow holder for a period of 25 days, and if not attached shall be paid to the transferor licensee The agreement shall also provide that the escrow holder shall make the payment or distribution within a reasonable time after the completion of the transfer of the license.

SEC. 2. Section 24076 of the Business and Professions Code is amended to read:

24076. No licensee shall enter into any agreement wherein he pledges the transfer of his license as security for a loan or as security for the fulfillment of any agreement. No license shall be transferred if the transfer is to satisfy a loan or to fulfill an agreement entered into more than 90 days preceding the date on which the transfer application is filed, or to gain or establish a preference to or for any creditor of the transferor, except as provided by Section 24074, or to defraud or injure any creditor of the transferor.

CHAPTER 754

An act to amend Sections 5.2, 5.16, 6.6 and 6.13 of, and to add Section 5.17 to the West Bay Rapid Transit Authority Act, Chapter 104 of Statutes 1964, First Extraordinary Session, relating to the West Bay Rapid Transit Authority.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 5.2 of Chapter 104 of the Statutes of 1964, First Extraordinary Session, is amended to read:

Sec. 5.2. The authority shall make a detailed study of existing means of transportation and the needs of a rapid transit system in the counties in which the authority is authorized to operate for the purpose of preparing a master plan for development of a rapid transit system. If the master plan as initially prepared, or as it may at any time be modified or supplemented, includes the construction of one or more lines operating upon separate fixed right-of-way facilities, then the design of such lines and the rolling stock and other facilities therefor shall be compatible with the San Francisco Bay Area Rapid Transit District system.

The compatibility requirement of this section shall not apply to modes of transportation not requiring fixed rail or similar fixed right-of-way facilities such as bus transportation.

SEC. 2. Section 5.16 of Chapter 104 of the Statutes of 1964, First Extraordinary Session, is amended to read:

Sec. 5.16. If a master plan has not been approved by the voters of the counties in which the authority is authorized to operate by June 30, 1969, the authority is abolished and this act is repealed. The State of California shall succeed to all of the property and funds of the authority and the Director of Finance shall have such power as may be necessary to wind up the affairs of the authority and pay off out of any of the assets of the authority any obligations of the authority outstanding when it is abolished.

SEC. 3. Section 5.17 is added to Chapter 104 of the Statutes of 1964, First Extraordinary Session, to read:

Sec. 5.17. The authority shall have power to apply for and accept grants and loans from the federal government or the state or any agency or instrumentality thereof to be used for any of the purposes set forth in this chapter and to enter into any agreement with the federal government or the state in relation to such grants or loans.

SEC. 4. Section 6.6 of Chapter 104 of the Statutes of 1964, First Extraordinary Session, is amended to read:

Sec. 6.6. The authority shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use, including the right to immediate possession of property for rights-of-way. The authority may take any property necessary or convenient to the exercise of the powers granted in this part, whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right, the authority has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this part. The authority shall proceed in the name of the authority in condemnation proceedings. The authority, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost, exclusive of betterment and with credit for salvage value, of removal, reconstruction, or relocation of any substitute facilities, including structures, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be moved to a new location. Notwithstanding any other provision of this act or any other law, no property in public use shall be taken by the authority except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

SEC. 5. Section 6.13 of Chapter 104 of the Statutes of 1964, First Extraordinary Session, is amended to read:

Sec. 6.13. The authority may sell, lease, convey or otherwise dispose of any of its rights, interests or properties after the purposes for which they were acquired have been fully satisfied. It may sell, lease or otherwise dispose of, at any

time, any surplus materials or other property not needed for its requirements or for the purpose of carrying out this act.

The authority may also lease, convey, or dispose of air space over terminal facilities, transit rights-of-way and other real properties, owned and controlled by the authority, where such air space is not needed for transit purposes, and the use under the lease or pursuant to the sale or transfer will not interfere with the operation of the transit system.

CHAPTER 755

An act to amend Sections 73912, 73913, 73914, and 73915 of the Government Code, relating to municipal courts.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 73912 of the Government Code is amended to read:

73912. There shall be one clerk of the municipal court, one senior municipal court clerk, two municipal court clerks, two senior typist-clerks, one intermediate typist-clerk, and two typist-clerks, each of whom shall receive a salary in accordance with Section 73914 and Section 73915.

SEC. 2. Section 73913 of the Government Code is amended to read:

73913. There shall be one marshal, one chief deputy marshal, four deputy marshals, one senior typist-clerk and one intermediate clerk, each of whom shall receive a salary in accordance with Section 73914 and Section 73915.

SEC. 3. Section 73914 of the Government Code is amended to read:

73914. (a) The monthly salaries for the following classes of position shall be, and shall be increased in accordance with the schedule set forth below:

	Range	A	B	C	D	E
Clerk of the municipal court	64	$742	$779	$818	$859	$902
Senior municipal court clerk	50	527	553	581	610	641
Municipal court clerk	48	502	527	553	581	610
Intermediate typist-clerk	36	373	392	412	433	455
Intermediate clerk	36	373	392	412	433	455
Typist-clerk	32	338	355	373	392	412
Marshal	67	799	839	881	925	971
Chief deputy marshal	57	626	657	690	725	761
Deputy marshal	51	540	567	596	626	657
Senior typist-clerk	42	433	455	478	502	527

All figures in columns A, B, C, D, and E represent dollars per calendar month.

(b) The administration of the salary plan provided by this article including the hiring rate, increases within range; salary on promotion, transfer, or demotion, salary on position reclassification; and all relevant matters shall be in accordance with the current personnel rules and ordinances of the County of Santa Barbara, and any employee who on the effective date of the amendments to this section enacted at the 1967 Regular Session of the Legislature is receiving a rate of compensation in excess of column "E" of the range prescribed for his class shall continue to receive such compensation until his position is first vacated, or until such time as the compensation is otherwise changed as prescribed by law.

(c) On and after the effective date of the amendments to this section enacted at the 1967 Regular Session of the Legislature, the following regulations will govern the administration of the classification and compensation schedules contained herein:

(1) Except as otherwise provided in this article, all employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and shall be subject to the same rules and regulations concerning length of work week, anniversary dates and changes thereof, and may be appointed, promoted, demoted, terminated, or transferred, or their status otherwise adjusted, in the same manner and with the same effect as is, or may be, provided by the current salary and personnel ordinances and policies approved by the Board of Supervisors of Santa Barbara County for other employees of of the county. Provided, however, that the provisions regarding appointment, promotion, demotion, and termination shall not apply to the office of marshal, and the office of marshal shall remain an elective office.

(2) For purposes of this article, an employee, unless otherwise designated, refers to every person filling any position established by Sections 73912 and 73913.

SEC. 4. Section 73915 of the Government Code is amended to read:

73915. Notwithstanding any other provisions of this article, if, at any date on or after April 2, 1967, any different compensation is established for any of the hereafter mentioned positions under the County of Santa Barbara salary ordinance, the following provisions shall apply to salaries mentioned in this article:

(a) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as superior court clerk, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of clerk of the municipal court, senior municipal court clerk, and municipal court clerk under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage, rounded off to the nearest dollar.

(b) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as senior typist-clerk, intermediate typist-clerk, intermediate clerk, and typist-clerk, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of senior typist-clerk, intermediate typist-clerk, intermediate clerk, and typist-clerk, under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage, rounded off to the nearest dollar.

(c) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County salary ordinance as deputy sheriff, the percentage of such increase or decrease shall be ascertained and the salary range for the classification of marshal, chief deputy marshal, and deputy marshal under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage, rounded off to the nearest dollar.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Santa Barbara County salary ordinance is payable.

This section shall remain in effect until the 60th day after the final adjournment of the 1969 Regular Session of the Legislature.

CHAPTER 756

An act to amend Sections 74900, 74901, 74905, 74906, 74907, 74908, 74909, 74910, 74911, 74912, and 74913 of, and to repeal Article 34 (commencing with Section 74880) of Chapter 10, Title 8, Part 7 of, the Government Code, relating to Ventura County municipal courts.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Article 34 (commencing with Section 74880) of Chapter 10, Title 8, Part 7 of the Government Code is repealed.

SEC. 2. Section 74900 of the Government Code is amended to read:

74900. This article applies to the municipal court established in a judicial district embracing the County of Ventura. This court shall be known as the Ventura County Municipal Court.

SEC. 3. Section 74901 of the Government Code is amended to read:

74901. There shall be seven judges.

SEC. 4. Section 74905 of the Government Code is amended to read:

74905. There shall be one Clerk of the Ventura County Municipal Court, who shall be known as the court executive officer and who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The court executive officer shall receive the monthly compensation specified in range 35.0, set forth in Section 74909. In no event shall the classification of executive officer be compensated less than two scheduled ranges (approximately 10 percent) higher than that specified for the classification of Marshal of the Ventura County Municipal Court.

SEC. 5. Section 74906 of the Government Code is amended to read:

74906. There shall be one Marshal of the Ventura County Municipal Court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The marshal shall receive the monthly compensation specified in range 33.0, set forth in Section 74909. In no event shall the classification of marshal be compensated more than one salary range (approximately 5 percent) below that specified for the classification of undersheriff.

SEC. 6. Section 74907 of the Government Code is amended to read:

74907. The court executive officer may appoint:

(a) Three chief deputy clerks, who shall receive the monthly compensation specified in range 25.5, set forth in Section 74909; the incumbent assistant municipal court clerks II shall be assigned to this position without examination on the effective date of this act.

(b) Seven deputy clerks V, who shall receive monthly compensation specified in range 20 5, set forth in Section 74909; in no event shall the compensation of this classification be less than one salary range (approximately 5 percent) higher than that of the classification of deputy clerk IV; the incumbent assistant municipal court clerks I and supervising municipal court clerks shall be assigned to this position without examination on the effective date of this act.

(c) One senior secretary, who shall receive monthly compensation specified in range 18 0, set forth in Section 74909.

(d) One principal account clerk I, who shall receive monthly compensation specified in range 19.5, set forth in Section 74909.

(e) Ten deputy clerks IV, who shall receive monthly compensation specified in range 19.5, set forth in Section 74909.

(f) Two deputy municipal court clerk interpreters, who shall receive monthly compensation specified in range 16.0, set forth in Section 74909.

(g) Seventeen deputy municipal court clerks III, who shall receive monthly compensation specified in range 15.0, set forth in Section 74909.

(h) Eleven deputy municipal court clerks II, who shall receive monthly compensation specified in range 12.0, set forth in Section 74909.

(i) Four deputy municipal court clerks I, who shall receive monthly compensation specified in range 10.0, set forth in Section 74909.

SEC. 7. Section 74908 of the Government Code is amended to read:

74908. The Marshal of the Ventura County Municipal Court may appoint.

(a) One assistant marshal, who shall receive the monthly compensation specified in range 27.5 set forth in Section 74909.

(b) Two lieutenants, each of whom shall receive the monthly compensation specified in range 24.5, set forth in Section 74909.

(c) Six sergeants, each of whom shall receive the monthly compensation specified in range 23.5, set forth in Section 74909.

(d) Eighteen deputy marshals, each of whom shall receive the monthly compensation specified in range 21 5, set forth in Section 74909. Deputy marshal trainees at a flat monthly rate of five hundred fifteen dollars ($515) may be appointed in lieu of deputy marshals until such trainees have satisfactorily completed the prescribed training course.

(e) One marshal's supervising clerk, who shall receive the monthly compensation specified in range 19.5, set forth in Section 74909.

(f) One senior secretary, who shall receive the monthly compensation specified in range 18, set forth in Section 74909.

(g) Three senior typist-clerks and one senior clerk, each of whom shall receive the monthly compensation specified in range 15.0, set forth in Section 74909.

(h) Three intermediate typist-clerks, each of whom shall receive the monthly compensation specified in range 12.0, set forth in Section 74909.

(i) Two typist-clerks, each of whom shall receive the monthly compensation specified in range 10.0, set forth in Section 74909.

(j) Such deputies who shall be keepers as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

The position of assistant marshal shall initially be filled from among those persons holding the rank of assistant marshal II. The remaining assistant marshals II and assistant marshals I shall automatically succeed to the positions of lieutenant and sergeant respectively. Each of the former assistant marshals I and II shall be entitled to remain in the office to which he is appointed or succeeds as previously provided for in this article as long as he performs the duties prescribed for that position.

The occupants of positions listed in subsections e, f, g, h, and i of this section shall, when required, be assigned to addi-

tional duties as matron, and during the period of such assignment shall receive no additional compensation.

SEC. 8. Section 74909 of the Government Code is amended to read:

74909. The following salary schedule shall apply to all persons employed by the Ventura County Municipal Court:

Range	First step	Second step	Third step	Fourth step	Fifth step
10.0	$315	$330	$348	$366	$384
10.5	323	338	357	375	394
11.0	330	348	366	384	403
11.5	338	357	375	394	413
12.0	348	366	384	403	423
12.5	357	375	394	413	434
13.0	366	384	403	423	445
13.5	375	394	413	434	456
14.0	384	403	423	445	466
14.5	394	413	434	456	478
15.0	403	423	445	466	490
15.5	413	434	456	478	502
16.0	423	445	466	490	515
16.5	434	456	478	502	528
17.0	445	466	490	515	540
17.5	456	478	502	528	554
18.0	466	490	515	540	567
18.5	478	502	528	554	581
19.0	490	515	540	567	595
19.5	502	528	554	581	610
20.0	515	540	567	595	626
20.5	528	554	581	610	642
21.0	540	567	595	626	657
21.5	554	581	610	642	673
22.0	567	595	626	657	690
22.5	581	610	642	673	707
23.0	595	626	657	690	723
23.5	610	642	673	707	741
24.0	626	657	690	723	760
24.5	642	673	707	741	779
25.0	657	690	723	760	798
25.5	673	707	741	779	818
26 0	690	723	760	798	838
26.5	707	741	779	818	859
27.0	723	760	798	838	879
27.5	741	779	818	859	901
28.0	760	798	838	879	923
28.5	779	818	859	901	946
29.0	798	838	879	923	969
29.5	818	859	901	946	993
30.0	838	879	923	969	1,017
30.5	859	901	946	993	1,042
31.0	879	923	969	1,017	1,069

Range	First step	Second step	Third step	Fourth step	Fifth step
31.5	901	946	993	1,042	1,096
32.0	923	969	1,017	1,069	1,122
32.5	946	993	1,042	1,096	1,150
33.0	969	1,017	1,069	1,122	1,178
33.5	993	1,042	1,096	1,150	1,207
34.0	1,017	1,069	1,122	1,178	1,236
34 5	1,042	1,096	1,150	1,207	1,267
35.0	1,069	1,122	1,178	1,236	1,298
35.5	1,096	1,150	1,207	1,267	1,330
36.0	1,122	1,178	1,236	1,298	1,363
36.5	1,150	1,207	1,267	1,330	1,397
37.0	1,178	1,236	1,298	1,363	1,432
37.5	1,207	1,267	1,330	1,397	1,468
38.0	1,236	1,298	1,363	1,432	1,502
38.5	1,267	1,330	1,397	1,468	1,540
39.0	1,298	1,363	1,432	1,502	1,577
39.5	1,330	1,397	1,468	1,540	1,616
40.0	1,363	1,432	1,502	1,577	1,656
40.5	1,397	1,468	1,540	1,616	1,697
41.0	1,432	1,502	1,577	1,656	1,739
41.5	1,468	1,540	1,616	1,697	1,782
42.0	1,502	1,577	1,656	1,739	1,826
42.5	1,540	1,616	1,697	1,782	1,872
43.0	1,577	1,656	1,739	1,826	1,917
43.5	1,616	1,697	1,782	1,872	1,965
44.0	1,656	1,739	1,826	1,917	2,013
44.5	1,697	1,782	1,872	1,965	2,063
45.0	1,739	1,826	1,917	2,013	2,114
45.5	1,782	1,872	1,965	2,063	2,167
46.0	1,826	1,917	2,013	2,114	2,220
46.5	1,872	1,965	2,063	2,167	2,276

This salary schedule is the same schedule utilized for employees of Ventura County. Should the board of supervisors adopt a revised salary schedule for county employees the new schedule shall apply equally to the positions in the Ventura County Municipal Court in the same manner and on the same date as for county employees, but all such adjustments shall be effective no longer than 90 days after the adjournment of the next general session of the Legislature.

SEC 9. Section 74910 of the Government Code is amended to read:

74910. If an increase in the business of the court or any other emergency requires a greater number of attachés or employees for the prompt and faithful discharge of the business of the court than the number expressly provided in this article or requires the performance of duties of positions in a class not expressly provided in this article, with the approval of a majority of the judges of the court and the board of supervisors, the court executive officer or the marshal may ap-

point as many additional attachés or employees as are needed. The additional attachés or employees shall be selected and appointed in the same manner as those for whom express provision is made, and they shall receive salary and compensation as prescribed in this article or as prescribed in the Ventura County Personnel and Salary Ordinance for classes not expressly provided for in this article. Additional attachés and employees may continue in such positions not longer than 90 days after the adjournment of the next regular session of the Legislature. The provisions of this section are directory only and are not mandatory and are not intended to affect the application of Section 72150 of this code.

SEC. 10. Section 74911 of the Government Code is amended to read:

74911. All officers, attachés and employees of the Ventura County Municipal Court shall be entitled to anniversary dates and salary step increases in the manner provided in the Ventura County Personnel and Salary Ordinance and shall receive the same vacation, sick leave, leave of absence, overtime and similar privileges and benefits provided for the officers and employees of Ventura County.

Except as otherwise provided in this article, the provisions of the Ventura County Ordinance Code relating to the civil service system of the county and the rules of the civil service commission adopted pursuant thereto, shall be applicable to all officers, attachés, and employees of the Ventura County Municipal Court in the same manner and to the same extent as applicable generally to the officers and employees of Ventura County and the Ventura County Civil Service Commission shall exercise the same jurisdiction over the officers, attachés and employees of the Ventura County Municipal Court as it exercises over the officers and employees of the county.

SEC. 11. Section 74912 of the Government Code is amended to read:

74912. (a) Certain classifications in the Ventura County Municipal Court are deemed to be equivalent in position responsibility and salary level to certain classifications in the service of Ventura County and whenever the salary of an equivalent classification in the Ventura County service is adjusted by the board of supervisors, the salary of the equivalent classification in the Ventura County Municipal Court shall be adjusted an equivalent amount. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to classifications in the Ventura County service, but such adjustments shall be effective no longer than 90 days after the adjournment of the next regular session of the Legislature. The intent of this section shall not be construed to mean that any salary adjustments made in 1967 will be forfeited on the effective date of this section.

(b) The classes of deputy municipal court clerk I and typist-clerk are equivalent in position responsibility and salary level to the class of typist-clerk in the Ventura County service. The

classes of deputy municipal court clerk II and intermediate typist-clerk are equivalent to intermediate typist-clerk in the Ventura County service. The classes of deputy municipal court clerk III, senior clerk and senior typist-clerk are equivalent to senior typist-clerk in the Ventura County service. The class of senior secretary is equivalent to senior secretary in the Ventura County service. The classes of principal account clerk I and marshal's supervising clerk are equivalent in position responsibility and salary level to the class of principal account clerk I in Ventura County service. The class of deputy municipal court clerk IV is equivalent to superior court clerk. The class of deputy marshal trainee is equivalent to deputy sheriff trainee. The class of deputy marshal is equivalent to deputy sheriff. The class of marshal's sergeant is equivalent to sheriff's sergeant. The class of marshal's lieutenant is equivalent to one salary range (approximately 5 percent) less than sheriff's lieutenant. The class of assistant marshal is equivalent to sheriff's captain.

(c) Whenever the salary of the class of deputy municipal court clerk II is adjusted as described above, the salaries of the classes of deputy clerk interpreter and chief deputy clerk shall be adjusted an equivalent number of ranges or steps on the salary schedule.

(d) All incumbents provided for in this article shall be assigned to their positions without further examination at the range specified and shall be entitled to their same anniversary date and the same step in any new range assigned notwithstanding any change in title.

SEC. 12. Section 74913 of the Government Code is amended to read:

74913. A majority of the judges of the Ventura County Municipal Court may adopt rules for the conduct of the officers, attachés and employees of the Ventura County Municipal Court not inconsistent with the Ventura County Civil Service Ordinance and Rules and the Ventura County Personnel and Salary Ordinance.

CHAPTER 757

An act to add Article 1.5 (commencing with Section 8520) to Chapter 6 of Division 7 of the Education Code, relating to education of handicapped minors.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Article 1.5 (commencing with Section 8520) is added to Chapter 6 of Division 7 of the Education Code, to read:

Article 1.5. Special Education Program Coordination and Services

8520. The county superintendent of schools shall have primary responsibility for coordinating all special programs maintained by the office of the county superintendent and by the school districts under the jurisdiction of that office, for the education of physically handicapped minors as defined in Article 1 (commencing with Section 6801) of Chapter 8 of Division 6, and mentally retarded minors as defined in Chapter 9 (commencing with Section 6901) of Division 6.

The county superintendent of schools shall undertake the necessary measures to ensure that every minor in the school district territory under his jurisdiction who is eligible to participate in any such special education program for physically handicapped minors or mentally retarded minors being provided in the territory, shall be afforded the opportunity to participate in an appropriate program.

The county superintendent of schools shall compile and maintain a tabulation of the number of all physically handicapped minors and mentally retarded minors enrolled in every category of the special education program in the school district territory under his jurisdiction and the schools in which such minors are enrolled.

The county superintendent of schools shall maintain a current list of all physically handicapped minors and mentally retarded minors who have applied for but have been denied access to each category of the special education program in the school district territory under his jurisdiction.

It shall be the responsibility of the county superintendent of schools to render consultative and coordinative services to school districts under his jurisdiction maintaining special education programs for physically handicapped minors and mentally retarded minors, and to marshall and utilize, to the extent permited by law, all private as well as public resources and services available to provide education and training for physically handicapped and mentally retarded minors.

CHAPTER 758

An act to add Sections 14401.1 and 14684.5 to the Education Code, relating to teachers' retirement.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 14401.1 is added to the Education Code, to read:

14401.1. Any other provision of the law to the contrary notwithstanding, whenever any member of the Retirement

System dies while in active membership status, including those on a deferred membership status, or within four months after the termination of the member's employment in a status requisite for membership in the retirement system, benefits payable at death, unless a claim by someone other than the designated beneficiary or beneficiaries is filed with the retirement system during the period provided in this section, shall be paid to the beneficiary or beneficiaries designated by him on a form provided by the retirement system and on file in the office of the retirement system prior to the death of the member.

Payment to a beneficiary or beneficiaries designated in the form on file in the retirement system at the date of death by a warrant drawn prior to any claim under a will or under community property rights, shall constitute full discharge of any and all liability of the retirement board and retirement system by reason of the member's death. The retirement system shall provide a 30-day claim period subsequent to notification of death before drawing a warrant in favor of the designated beneficiary or beneficiaries.

SEC. 2. Section 14684.5 is added to the Education Code, to read:

14684.5. Any other provision of the law to the contrary notwithstanding, whenever any member of the district retirement system dies while in active membership status, including those on a deferred membership status, or within four months after the termination of the member's employment in a status requisite for membership in the retirement system, benefits payable at death, unless a claim by someone other than the designated beneficiary or beneficiaries is filed with the retirement system during the period provided in this section, shall be paid to the beneficiary or beneficiaries designated by him on a form provided by the retirement system and on file in the office of the retirement system prior to the death of the member.

Payment to a beneficiary or beneficiaries designated in the form on file in the retirement system at the date of death by a warrant drawn prior to any claim under a will or under community property rights, shall constitute full discharge of any and all liability of the district retirement board and retirement system by reason of the member's death. The retirement system shall provide a 30-day claim period subsequent to notification of death before drawing a warrant in favor of the designated beneficiary or beneficiaries.

CHAPTER 759

An act to add Section 11478.5 to the Welfare and Institutions Code, relating to central registration of deserting and abandoning parents.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 11478.5 is added to the Welfare and Institutions Code, to read:

11478.5. There is in the Department of Justice a central registry of records showing, as far as is known, with respect to any parent who has deserted or abandoned any child:

(a) The full and true name of such parent together with any known aliases;

(b) His date and place of birth;

(c) His physical description;

(d) His social security number;

(e) His occupation;

(f) His military status and his Veterans' Administration or military service serial number;

(g) His last known address and date thereof;

(h) The number on his driver's license;

(i) Any police record; and

(j) Any further information that may be of assistance in locating him.

To effectuate the purposes of this section, the Attorney General may request and shall receive from departments, boards, bureaus, or other agencies of the state, or any of its political subdivisions, and the same are authorized to provide, such assistance and data as will enable the Justice Department and the local public agencies to carry out their powers and duties to locate such parents and to enforce their liability for the support of their children. Any records established pursuant to the provisions of this section shall be available only to welfare departments, district attorneys, probation departments, central registries in other states and courts having jurisdiction in support or abandonment proceedings or actions.

The department, in consultation with the Department of Justice shall promulgate rules to facilitate maximum and efficient use of such registry by local welfare departments.

This section shall be construed in a manner consistent with the other provisions of this article.

CHAPTER 760

An act to amend Section 13190 of the Education Code, relating to teaching credentials.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 13190 of the Education Code is amended to read:

13190. The standard teaching credential with a specialization in elementary teaching shall authorize the holder to:

(a) Teach, in kindergarten or grades 1 to 9, inclusive, except courses in special education, as follows:

(1) A person with an academic major and any minor may teach any subject in kindergarten and in grades 1 to 9, inclusive.

(2) A person with an academic major other than a diversified major, but without a minor, may teach any subject in kindergarten and in grades 1 to 9, inclusive, in a self-contained class. He may teach in a departmentalized class in grades 7, 8, and 9, the subject in which he has a major. He may teach in a departmentalized class in grades 7, 8, and 9 any subject in which he has nine semester hours of upper division or graduate coursework when the governing board of the district maintaining such grades by resolution specifically authorizes him to teach the subject. The authorization of the governing board shall remain valid for one year and may be renewed annually.

For the purposes of this section: a "self-contained class" is a class in which most of the subjects in one grade are taught by one teacher; and a "departmentalized class" is a class in which one subject or one group of closely related subjects, is taught by one teacher.

(3) Upon completion of the requirements of subdivisions (b), (d), and (e) of Section 13189, a person with a diversified major, but without a minor, may teach any subject in kindergarten and in grades 1 to 6, inclusive. He may teach in a self-contained class any subject in grades 7, 8 and 9.

(4) A person with other than an academic major may teach in kindergarten or in grades 1 to 9, inclusive, only in subject matter areas in which he has a major or a minor.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in kindergarten or in grades 1 to 14, inclusive, any courses in an area in which the holder has completed specialized preparation.

(d) Serve as a librarian in an elementary school, junior high school, high school, or junior college, if the holder has completed the specialized preparation area of librarianship.

(e) Teach, in continuation education classes or in continuation high schools, elementary level reading.

CHAPTER 761

An act to amend Sections 13590.1 and 13590.2 of, and to add Section 13593.1 to, the Education Code, relating to classified school employees.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 13590.1 of the Education Code is amended to read:

13590.1. The workweek of a classified employee, as defined in Section 13581 or Section 13712, shall be 40 hours. The workday shall be eight hours. These provisions do not restrict the extension of a regular workday or workweek on an overtime basis when such is necessary to carry on the business of the district. Nothing in this section shall be deemed to bar the district from establishing a workday of less than eight hours or a workweek of less than 40 hours for all or any of its classified positions.

Notwithstanding the provisions of this section and Section 13590.2, a governing board may, with the approval of the personnel commission, where applicable, exempt specific classes of positions from compensation for overtime in excess of eight hours in one day, provided that hours worked in excess of 40 in a calendar week shall be compensated on an overtime basis. Such exemption shall be applied only to those classes which the governing board and personnel commission, where applicable, specifically find to be a subject to fluctuations in daily working hours not susceptible to administrative control, such as security patrol and recreation classes, but shall not include food-service and transportation classes.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 2. Section 13590.2 of the Education Code is amended to read:

13590.2. The governing board of each district shall provide the extent to which, and establish the method by which, ordered overtime or overtime in time of critical emergency is compensated. The board shall provide for such compensation or compensatory time off at a rate at least equal to time and one-half the regular rate of pay of the employee designated and authorized to perform the overtime. Notwithstanding the foregoing provisions the board may declare overtime to have been necessary as a critical emergency and provide for cash compensation or compensatory time off at a rate less than the overtime rate.

Overtime is defined to include any time required to be worked in excess of eight hours in any one day and in excess of

40 hours in any calendar week. If a governing board establishes a workday of less than eight hours but more than seven hours and a workweek of less than 40 hours but more than 35 hours for all of its classified positions or for certain classes of classified positions, all time worked in excess of the established workday and workweek shall be deemed to be overtime. The foregoing provisions are not intended to apply to properly designated part-time positions with an assigned workday of less than eight hours and a workweek of less than 40 hours even though all such positions constitute all of the positions within a class.

Critical emergency as used in this section means a civil disaster or other such major occurrence that requires the use of school employees to the detriment of the financial ability of the district to meet the requirements of this section.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 3. Section 13593 1 is added to the Education Code, to read:

13593 1. A classified employee who works a minimum of 30 minutes per day in excess of his part-time assignment for a period of 20 consecutive working days or more, shall have his basic assignment changed to reflect the longer hours in order to acquire fringe benefits on a properly prorated basis as specified in Section 13593.

If a part-time employee's average paid time, excluding overtime for which the employee receives compensation at a rate at least equal to time and one-half, exceeds his average assigned time by 50 minutes or more per working day in any quarter, the hours paid per day for compensible leaves of absence and holidays in the succeeding quarter shall be equivalent to the average hours paid per working day in the preceding quarter, excluding overtime.

Except where vacation entitlement is accrued on the basis of actual hours of paid regular service, vacation entitlement shall be based on the average number of hours worked per working day during the portion of the school year in which the employee is assigned to duty.

It is the intent of the Legislature, in enacting this section, to insure that part-time employees are accorded fringe benefits on an appropriate prorated basis with full recognition given to the number of hours worked by the part-time employee rather than on the basis of time fixed to the position when the fixed time is not reasonably correlated with the actual time worked. This section is to be liberally construed in order that the provisions of Section 13593 may not be circumvented by requiring employees to work in excess of the regularly fixed hours for a position on an overtime basis but for which premium pay is not provided nor appropriate adjustment is not made in fringe benefit entitlement.

CHAPTER 762

An act to amend Section 16430 of the Government Code, relating to investment of state funds.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 16430 of the Government Code is amended to read:

16430. Eligible securities for the investment of surplus moneys shall be:

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Bonds of this state, or those for which the faith and credit of this state are pledged for the payment of principal and interest.

(c) Bonds of any county, city, metropolitan water district, municipal utility district, or school district of this state.

(d) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, in stock, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act as amended, in the bonds of any federal home loan bank established under said act, and in bonds, notes, and other obligations issued by the Tennessee Valley Authority under the Tennessee Valley Authority Act as amended.

CHAPTER 763

An act to amend Section 15352 of the Education Code, relating to lease of land for school purposes.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 15352 of the Education Code is amended to read:

15352. When the school enrollment of any school causes overcrowded schoolrooms, the governing board of the school district may make arrangements for the location of the school in temporary quarters or in portable buildings.

These quarters or portable buildings may be procured for a consideration, or at a rental, or by the construction of temporary or portable buildings on school property or on land leased therefor. The leasing of any portable buildings shall not be made for a longer period than seven years and may include a provision for the purchase of such buildings on a depreciated basis at the end of such seven-year period or prior thereto.

Any building leased for a total time in excess of three years or under a purchase agreement shall be deemed the construction or alteration of a school building as those terms are defined in Sections 15451 to 15465, inclusive, and all the provisions of those sections and of 15409 shall apply thereto.

CHAPTER 764

An act to add Section 3100.6 to the Education Code, relating to unified school districts.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 3100.6 is added to the Education Code, to read:

3100.6. Any district which became unified pursuant to the provisions of the Education Code added by Chapter 1273 of the Statutes of 1945, or as such provisions have been subsequently amended, revised, and recodified, or formed by operation of law, on or before July 1, 1948, shall be exempt from the requirements of Chapter 9 (commencing with Section 3001) of this division and Section 3100.5, and shall be deemed to be properly and adequately organized in all respects, irrespective of failure to meet any of the standards prescribed in Sections 3100 and 3100.5, and irrespective of the disapproval, by the State Board of Education, of the inclusion of the district in any master plan formulated pursuant to Chapter 9, provided the county committee on school district organization approves of the organization of the district and the exemption thereof from the requirements of Section 3100.5.

The exemption granted by this section shall not prevent the subsequent reorganization of any territory of a unified school district which may have been annexed to, or transferred from, such unified school district.

CHAPTER 765

An act to amend Sections 214.1, 1068.1, 3505, 3511, 3519, 3542.1, 3620, 3621, 3623, 3905 and 3911 of, and to add Section 1065.2 to, the Public Utilities Code, relating to carriers.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 214.1 of the Public Utilities Code is amended to read:

214.1. "Cement carrier" means any corporation or person operating within this state, engaged as a common carrier, other than a highway common carrier, for compensation in the ownership, control, operation or management of any motor vehicle loaded substantially to capacity with and transporting portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages over any public highway in this state.

SEC. 2. Section 1065.2 is added to the Public Utilities Code, to read:

1065.2. A certificate of public convenience and necessity to operate as a cement carrier shall remain in effect until it is suspended or terminated by the commission, except that any such certificate not exercised for a period of one year shall lapse and terminate.

SEC. 3. Section 1068.1 of the Public Utilities Code is amended to read:

1068.1. The transportation of cement for compensation or hire as a business by means of a motor vehicle or motor vehicles loaded substantially to capacity with portland or similar cements, either alone or in combination with lime or powdered limestone, over any public highway in this state is declared to be a highly specialized type of transportation. The provisions of this code relating thereto have been enacted for the limited purpose of providing necessary regulation for that specialized type of transportation only, and are not to be construed for any purpose as a precedent for the extension of such regulation to any other type of transportation not presently so restricted.

SEC. 4. Section 3505 of the Public Utilities Code is amended to read:

3505. The provisions of this chapter do not apply to:

(a) Transportation service all of which is rendered in territory within the exterior boundaries of a city, or city and county including the area of any city situated wholly within such outside limits, except transportation service rendered by cement contract carriers.

(b) The transportation of baggage and express which is incidental to the transportation of passengers by passenger stage corporations as defined in Section 226.

(c) The transportation by towing of a disabled vehicle.

SEC. 5. Section 3511 of the Public Utilities Code is amended to read:

3511. "Highway carrier" means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in transportation of property for compensation or hire as a business over any public highway in this state by means of a motor vehicle, except that "highway carrier" does not include:

(a) Carriers, except cement contract carriers, operating exclusively within the limits of a single city or city and county.

(b) Any farmer resident of this state who occasionally transports from the place of production to a warehouse, regular market, place of storage, or place of shipment the farm products of neighboring farmers in exchange for like services or for a cash consideration or farm products for compensation.

(c) Persons or corporations hauling their own property.

(d) Any farmer operating a motor vehicle used exclusively in the transportation of his livestock and agricultural commodities or in the transportation of supplies to his farm.

(e) Any nonprofit agricultural cooperative association organized and acting within the scope of its powers under Chapter 4, Division 6 of the Agricultural Code to the extent only that it is engaged in transporting its own property or the property of its members.

(f) Any person exclusively transporting United States mail pursuant to a contract with the United States government.

SEC. 6. Section 3519 of the Public Utilities Code is amended to read:

3519. "Cement contract carrier" means every corporation or person operating within this state engaged, other than as a common carrier, for compensation in the ownership, control, operation or management of any motor vehicle loaded substantially to capacity with and transporting portland or similar cements, either alone or in combination with lime or powdered limestone, in bulk or in packages over any public highway in this state.

SEC. 7. Section 3542.1 of the Public Utilities Code is amended to read:

3542.1. No person or corporation shall engage or be permitted by the commission to engage in the transportation of portland or similar cements, either alone or in combination with lime or powdered limestone, on any public highway, both as a cement carrier and as a cement contract carrier.

SEC. 8. Section 3620 of the Public Utilities Code is amended to read:

3620. The transportation of portland and similar cements, either alone or in combination with lime or powdered limestone, in any motor vehicle or motor vehicles over any public highway in this state for compensation by means of a motor vehicle or motor vehicles loaded substantially to capacity with portland or similar cements, either alone or in combination

with lime or powdered limestone, is declared to be a highly specialized type of transportation. This article is enacted for the limited purpose of providing necessary regulation for this specialized type of transportation, only, and is not to be construed for any purpose as a precedent for the extension of such regulation to any other type of transportation.

SEC. 9. Section 3621 of the Public Utilities Code is amended to read:

3621. No cement contract carrier shall engage in the business of the transportation of portland or similar cements, either alone or in combination with lime or powdered limestone, for compensation by motor vehicle over any public highway in this state by means of a motor vehicle or motor vehicles loaded substantially to capacity with portland or similar cements, either alone or in combination with lime or powdered limestone, whether in bulk or in packages, unless there is in force a permit issued by the commission authorizing such operations.

SEC. 10. Section 3623 of the Public Utilities Code is amended to read:

3623. Before a permit to operate as a cement contract carrier is issued the commission shall require the applicant to establish by a preponderance of evidence:

(a) That he is a fit and proper person to receive a permit to operate as a cement contract carrier.

(b) That he has sufficient operating and financial ability to initiate and continue the proposed operation.

(c) That the privilege sought:

(1) Will not endanger the safety of the public or interfere with the public use of the public highways or impair the condition or maintenance of them, directly or indirectly.

(2) Will not unnecessarily burden the public highways.

(3) Will not impair the ability of presently certificated cement carriers or permitted cement contract carriers to provide or to continue to provide adequate services as such, at the lowest possible reasonable rates.

If the commission finds that the applicant has established all of the foregoing, then a permit may be granted upon such limitations, terms and conditions as the commission prescribes; otherwise it shall refuse to issue the permit requested.

In determining whether or not a permit shall be granted the commission shall accept all evidence relevant to any of the foregoing requiring proof, including, but not limited to evidence offered by any shipper or receiver of the commodities proposed to be transported by such applicant and by previously certificated or authorized cement carriers or cement contract carriers authorized or permitted to offer a service competitive with that proposed by the applicant. If the applicant was operating in good faith as a cement contract carrier within one year prior to June 1, 1963, and continuously thereafter, the commission shall grant a permit to such applicant to operate as a cement contract carrier as to the counties to and

within which it was actually transporting cement as a cement contract carrier in good faith within one year prior to June 1, 1963, and continuously thereafter, provided such cement contract carrier applies to the commission for such permit prior to December 31, 1963, and submits adequate proof of such prior operations. The delivery of one or more loads of cement either in bulk or in packages to a point in a particular county shall constitute adequate proof of such prior operations and shall entitle the applicant to authority to serve all points in said county from any and all points of origin.

SEC. 11. Section 3905 of the Public Utilities Code is amended to read:

3905. The provisions of this chapter do not apply to

(a) A passenger stage corporation as defined in Section 226 engaged in transporting express when the transportation is incidental to the transportation of passengers.

(b) The transportation by towing of a disabled vehicle.

(c) Any cement carrier or cement contract carrier as defined in Sections 214.1 and 3519.

SEC. 12. Section 3911 of the Public Utilities Code is amended to read:

3911. "Carrier" means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in the transportation of property for compensation or hire as a business over any public highway within the exterior boundaries of a city or city and county in this state, including the area of any city situated wholly within such outside limits, by means of a motor vehicle, except that "carrier" does not include:

(a) Any farmer resident of this state who occasionally transports from the place of production to a warehouse, regular market, place of storage, or place of shipment the farm products of neighboring farmers in exchange for like services or for a cash consideration or farm products for compensation.

(b) Persons or corporations hauling their own property.

(c) Any farmer operating a motor vehicle used exclusively in the transportation of his livestock and agricultural commodities or in the transportation of supplies to his farm.

(d) Any nonprofit agricultural cooperative association organized and acting within the scope of its powers under Chapter 4, Division 6 of the Agricultural Code to the extent only that it is engaged in transporting its own property or the property of its members.

(e) Any cement carrier or cement contract carrier as defined in Sections 214.1 and 3519.

CHAPTER 766

An act to add Section 1875 to the Civil Code, and to amend Section 24002 of the Education Code, relating to the California State Colleges, and making an appropriation.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 1875 is added to the Civil Code, to read:

1875. The Trustees of the California State Colleges may provide by resolution or regulation for the care, restitution, sale or destruction of unclaimed, lost or abandoned property in the possession of any state college. Any resolution or regulation adopted pursuant to this section shall include therein (1) that such unclaimed or lost property shall be held by the particular state college for a period of at least six months, (2) that thereafter such property, as well as abandoned property, will be sold at public auction to the highest bidder, and (3) that notice of such sale shall be given by the Trustees of the California State Colleges at least five days before the time therefor by publication once in a newspaper of general circulation published in the county in which such property is held. The Trustees of the California State Colleges may dispose of any such property upon which no bid is made at any such sale.

SEC. 2. Section 24002 of the Education Code is amended to read:

24002. (a) All money received from the sale of publications pursuant to Section 23616, all money received under an agreement entered into pursuant to Section 23608 except recovery of contributions to the State Employees' Retirement Fund, and all money collected as fees from students in any state college and from other persons under Section 23604, Sections 23608 to 23612, inclusive, and Sections 23751, 23754, 23759, 23760, and 24000, and by reason of Section 1875 of the Civil Code, is hereby appropriated for the support of the California State Colleges in addition to such other amounts as may be appropriated therefor by the Legislature, and such money received under Section 24000, or received by reason of Section 1875 of the Civil Code, is appropriated without regard to fiscal year; provided, that money received by reason of Section 1875 of the Civil Code shall be used for student scholarships and loans pursuant to such regulations as the trustees shall provide, and while held pending the grant of a scholarship or loan, may be invested by the State Treasurer upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code, in which case all interest or other earnings received pursuant to such investment shall also be used for such scholarships and loans. Except as otherwise provided with respect to money received by reason of Section

1875 of the Civil Code, all money received pursuant to this section shall augment such support appropriation of the California State Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

(b) All money received from the sale or the disposition of real property acquired by or on behalf of a particular state college by gift, devise, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquisition and improvement of real property for, such particular state college, in addition to such other amounts as may be appropriated therefor by the Legislature. All money received from the sale or other disposition of personal property, other than money, acquired by or on behalf of a particular state college by gift, bequest, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquisition and improvement of real or personal property for, such particular state college, in addition to such other amounts as may be appropriated therefor by the Legislature. No money shall be expended by the trustees under this subdivision without the approval of the Director of Finance. Such money shall augment such support or capital outlay appropriation of the California State Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

CHAPTER 767

An act to amend Section 22502 of the Vehicle Code, relating to curb parking.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 22502 of the Vehicle Code is amended to read:

22502. Except as otherwise provided in this chapter every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be stopped or parked with the right-hand wheels of such vehicle parallel with and within 18 inches of the right-hand curb, except that motorcycles shall be parked with at least one wheel or fender touching the right-hand curb. Where no curbs or barriers bound any roadway, right-hand parallel parking is required unless otherwise indicated. This section does not apply to a commercial vehicle if a variation from the requirements of this section is reasonably necessary to accomplish the loading or unloading of merchandise or passengers on, or from, such vehicle and while anything connected with such loading, or unloading, is being executed.

CHAPTER 768

An act to amend Sections 23801 and 23805 of the Education Code, relating to state college student body organizations.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 23801 of the Education Code is amended to read:

23801. A student body organization may be established at any state college under the supervision of the college officials for the purpose of providing essential activities closely related to, but not normally included as a part of, the regular instructional program of the college. Such an organization may also operate a campus store, a cafeteria, and other projects not inconsistent with the purposes of the college, and property of the college may be leased to such an organization for such purposes.

The trustees may fix fees for voluntary membership in such organization established at a state college.

Notwithstanding any provisions of law to the contrary, if a student body organization is established at any state college, upon the favorable vote of two-thirds of the students voting in an election held for this purpose, in such manner as the trustees shall prescribe, and open to all regular students enrolled in such college, the trustees shall fix a membership fee which shall be required of all regular, limited and summer session students attending such college. No fees shall be charged to students registering solely in extension classes.

Such required fee shall be subject to referendum at any time upon the presentation of a petition to the president of the college containing the signatures of 20 percent of the regularly enrolled students at such college. A successful referendum shall take effect with the beginning of the academic year following that in which the election was held.

Payment of membership fees pursuant to this section shall be a prerequisite to enrollment in the college, except that if sufficient funds are available any state college student may at his option and subject to the regulations of the trustees establishing standards in that regard, agree to work off the amount of the fee at the prevailing rate of the college for student assistants. The trustees may adopt regulations setting standards for determining which students shall be eligible to work off the amount of the fee. No student shall be required to pay student body membership fees in an aggregate amount exceeding twenty dollars ($20) per academic year.

SEC. 2. Section 23805 of the Education Code is amended to read:

23805. Upon the favorable vote of two-thirds of the students voting in an election held for the purpose at a state college, in such manner as the trustees shall prescribe, and open to all regular students enrolled in such college, the trustees are authorized to fix, in addition to any other student fee the trustees are authorized to fix, a building and operating fee not to exceed twenty dollars ($20) per student per academic year which shall be required of all students attending the college. All money collected by a state college on behalf of a student body organization under this section shall be available for financing, operating and constructing the student body center, and until so used, shall, subject to the approval of the trustees, be deposited or invested in one or more of the following ways:

(a) Deposits in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation; provided, that any money so deposited shall be in an account or accounts fully covered by such insurance.

(b) Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations; provided such associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation; and provided further that any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by such insurance.

(c) Purchase of any of the securities authorized for investment by Section 16430 of the Government Code.

CHAPTER 769

An act to amend Section 13551 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. 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 him, and all such licenses shall be surrendered to the department unless previously surrendered to the court. 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 grant him a new one upon

the expiration of the period of suspension, upon termination of the period of suspension or revocation.

(b) The department shall return the license to the licensee, or may grant him a new one whenever the department determines that the grounds for suspension, revocation, or cancellation did not exist at the time such action was taken.

CHAPTER 770

An act to amend Section 6702 of the Financial Code, relating to savings and loan associations.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 6702 of the Financial Code is amended to read:

6702. An association may invest in, hold, buy, and sell the following:

(a) Real property used or to be used primarily as the principal office or branch of the association, and real property used or to be used primarily as a service office of the association or an undivided interest in real property used or to be used primarily as a service office or office of the association and of other associations owning the other undivided interests in such real property. As used in this subdivision the term real property includes real property in reasonably close proximity to a principal, branch, or service office used or to be used primarily as a parking lot in connection with the operations of such office. Except as provided in Section 6703 no association shall invest in such real property more than one-half of the sum of its aggregate of the following:

(1) Issued and outstanding guarantee stock.

(2) Paid-in surplus.

(3) Federal insurance reserve.

(4) Loan reserve.

(5) Any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation.

(b) Furniture, fixtures, furnishings, equipment and leasehold improvements necessary or proper for the business of the association, or for use in connection with properties owned by or securing loans of the association. Except as provided in Section 6703 no association shall invest in furniture, fixtures, furnishings, equipment, and leasehold improvements for its offices, more than 20 percent, or if it has no real property used or to be used primarily as its principal office or branch, 30 percent of the sum of its aggregate of the following:

(1) Issued and outstanding guarantee stock.
(2) Paid-in surplus.
(3) Federal insurance reserve.
(4) Loan reserve.
(5) Any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation.

(c) United States government bonds and treasury certificates, or any bonds, debentures, notes, or other obligations guaranteed by the United States of America.

(d) Bonds, debentures, notes, and other securities issued or guaranteed in whole or in part by any Federal Home Loan Bank, or the Federal Savings and Loan Insurance Corporation, or other similar federal agency.

(e) Consolidated Federal Home Loan Bank bonds, debentures, or notes.

(f) Bonds of this state or of any flood control and water conservation districts or any zone thereof having an assessed valuation on taxable real property of not less than one million dollars ($1,000,000), county, city and county, city, metropolitan water district, municipal utility district, any special district established by and within any municipal utility district, transit district, rapid transit district, metropolitan transit authority, flood control district, or school district of the State of California

(g) Bonds, other securities, and bankers' acceptances which are expressly authorized as legal investments for or purchase by savings banks in this state.

(h) Bonds issued by any railroad corporation or any public utility corporation substantially all of the properties of which are located in the United States of America. Railway corporations and public utility corporations, as used in this subdivision, do not include street railway corporations. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner.

(i) Stock, shares, debentures and bonds of any International Home Loan Bank which may hereafter be incorporated by authority of an act of Congress.

(j) California street improvement bonds. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner and no association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 2 percent of the then total assets of the association.

(k) Stock issued by any Federal Home Loan Bank or other similar federal agency of which the association is eligible to be a member.

(*l*) Bonds, notes, debentures, or other obligations of national mortgage associations or other similar credit institutions now or hereafter organized under Title III of the National Housing Act including without limitation bonds, notes, debentures, or other obligations of Federal National Mortgage Association.

The purchase of all bonds, notes, debentures or other obligations pursuant to the sole authority of this subdivision shall be first approved by the commissioner.

(m) Bonds and other securities as provided in Division 11 of this code.

(n) Stock of Federal National Mortgage Association evidencing nonrefundable capital contributions required in connection with sales or contracts for sale of loans from an association to said Federal National Mortgage Association. An association is authorized to make payments of such required nonrefundable capital contributions. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 1 percent of the then total assets of the association.

CHAPTER 771

An act to add Section 13085.1 to the Education Code, relating to public school employees.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 13085.1 is added to the Education Code, to read:

13085.1. It shall be unlawful for any public school employer, as defined by Section 13081 to appoint or designate, or cause or permit the appointment or designation of, any classified employee or classified employees for the purpose of representing any class or group of classified employees, directly or indirectly, with respect to any matter included within Section 13084; provided, that if no classified employee organization or organizations as defined by Section 13081 represent any of the employees of the district pursuant to this article, the governing board of the district may appoint or designate, or cause or permit the appointment of a classified employee committee to advise the public school employer on matters included within Section 13084.

Nothing in this section shall be interpreted to abrogate, in any manner, the rights of the individual to represent himself in employer-employee relations, nor the rights accorded employee organizations by this article.

CHAPTER 772

An act to amend Sections 1208, 2910, 6253, and 6254 of the Penal Code, relating to correctional facilities.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 1208 of the Penal Code is amended to read:

1208. (a) The provisions of this section, insofar as they relate to employment, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to employment, in that county is feasible. The provisions of this section, insofar as they relate to education, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of education conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to education, in that county is feasible. In any such ordinance the board shall prescribe whether the sheriff, the probation officer, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board of supervisors may also terminate the operativeness of this section, either with respect to employment or education in the county if it finds by ordinance that, because of changed circumstances, the operation of this section, either with respect to employment or education in that county is no longer feasible.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, the work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure employment for himself in the county, unless the court at the time of sentencing has ordered that such person not be granted work furloughs. The work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular educational program, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure education for himself in the county, unless the court at the time of sentencing has ordered that such person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his regular employment or educational program, the administrator shall arrange for a continuation of such employment or education, so far as possible without interruption. If the prisoner does not have regular employment or a regular educational program, and the administrator has authorized the prisoner to secure employment or education for himself, the prisoner may do so, and the administrator may assist him in doing so. Any employment or education so secured must be suitable for the prisoner. Such employment or educational program, if such educational program includes earnings by the prisoner, must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment or educational program involving earnings by the prisoner be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed or educated.

(d) Whenever the prisoner is not employed or being educated and between the hours or periods of employment or education, he shall be confined in the jail unless the court directs otherwise.

(e) The earnings of the prisoner shall be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer or educator transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, education, or employment, the work furlough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) As used in this section, "education" includes vocational training, and "educator" includes a person or institution providing vocational training.

(j) This section shall be known and may be cited as the "Cobey Work Furlough Law."

SEC. 1.5. Section 1208 of the Penal Code is amended to read:

1208. (a) The provisions of this section, insofar as they relate to employment, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to employment, in that county is feasible. The provisions of this section, insofar as they relate to education, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of education conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to education, in that county is feasible. In any such ordinance the board shall prescribe whether the sheriff, the probation officer, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board of supervisors may also terminate the operativeness of this section, either with respect to employment or education, in the county if it finds by ordinance that, because of changed circumstances, the operation of this section, either with respect to employment or education, in that county is no longer feasible.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, or committed under the terms of Section 5654, 5656, 5676, or 5677 of the Welfare and Institutions Code as an inebriate or a habit-forming drug addict, the work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure employment for himself in the county, unless the court at the time of sentencing or committing has ordered that such person not be granted work furloughs. The work fur-

lough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular educational program, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure education for himself in the county, unless the court at the time of sentencing has ordered that such person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his regular employment or educational program, the administrator shall arrange for a continuation of such employment or education, so far as possible without interruption. If the prisoner does not have regular employment or a regular educational program, and the administrator has authorized the prisoner to secure employment or education for himself, the prisoner may do so, and the administrator may assist him in doing so Any employment or education so secured must be suitable for the prisoner. Such employment or educational program, if such educational program includes earnings by the prisoner, must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment or educational program involving earnings by the prisoner be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed or educated.

(d) Whenever the prisoner is not employed or being educated and between the hours or periods of employment or education, he shall be confined in the jail unless the court directs otherwise.

(e) The earnings of the prisoner shall be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer or educator transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's depend-

ents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, education, or employment, the work furlough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) As used in this section, "education" includes vocational training, and "educator" includes a person or institution providing vocational training.

(j) This section shall be known and may be cited as the "Cobey Work Furlough Law."

SEC. 2. Section 2910 of the Penal Code is amended to read:

2910. (a) The Director of Corrections may enter into an agreement with a city, county, or city and county, to permit transfer of prisoners in the custody of the Director of Corrections to a jail or other adult correctional facility of such city, county, or city and county, if the sheriff or corresponding official having jurisdiction over such facility has consented thereto. Such agreement shall provide for contributions to such city, county, or city and county toward payment of costs incurred with reference to such transferred prisoners

(b) When an agreement entered into pursuant to subdivision (a) is in effect with respect to a particular local facility, the Director of Corrections may transfer prisoners whose terms of imprisonment have been fixed to such facility.

(c) Prisoners so transferred to a local facility may, with approval of the Director of Corrections, participate in programs of the facility, including work furlough rehabilitation programs Prisoners so transferred remain in the constructive custody of the director but are subject to the rules and regulations of the facility in which they are confined.

SEC. 3. Section 6253 of the Penal Code is amended to read:

6253. The Director of Corrections may transfer inmates whose terms of imprisonment have been fixed from the state prisons and facilities of the Department of Corrections to community correctional centers, and place parolees in the community correctional centers.

SEC 4. Section 6254 of the Penal Code is amended to read:

6254. The Director of Corrections may grant furloughs to residents of community correctional centers for the purpose of employment, education, including vocational training, or arranging a suitable employment and residence program.

SEC. 5. Section 1.5 of this act shall become operative only if Assembly Bill No. 585 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 585 takes effect; at which time Section 1 of this act is repealed.

CHAPTER 773

An act to amend Section 1233 of the Probate Code, relating to probate proceedings.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 1233 of the Probate Code is amended to read:

1233. Except as otherwise provided by this code or by rules adopted by the Judicial Council, the provisions of Part 2 (commencing with Section 307) and of Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure are applicable to and constitute the rules of practice in the proceedings mentioned in this code with regard to discovery, trials, new trials, appeals, and all other matters of procedure.

An affidavit or verified petition must be received as evidence when offered in any uncontested probate proceedings, including proceedings relating to the administration of estates of decedents and proceedings relating to the administration of estates of minors or incompetent persons after a guardian has been appointed therein and in uncontested proceedings to establish a record of birth. The evidence of one or more of the subscribing witnesses may be received by an affidavit to which there is attached a photographic copy of the will, in any uncontested will proceedings.

SEC. 2. Section 1233 of the Probate Code is amended to read:

1233. Except as otherwise provided by this code or by rules adopted by the Judicial Council, the provisions of Part 2 (commencing with Section 307) and of Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure are applicable to and constitute the rules of practice in the proceedings mentioned in this code with regard to discovery, trials, new trials, appeals, and all other matters of procedure.

An affidavit or verified petition must be received as evidence when offered in any uncontested probate proceedings, including proceedings relating to the administration of estates of decedents and proceedings relating to the administration of estates of minors or incompetent persons after a guardian has

been appointed therein and in uncontested proceedings to establish a record of birth.

SEC. 3. Section 1233 of the Probate Code is amended to read:

1233. Except as otherwise provided by this code or by rules adopted by the Judicial Council, the provisions of Part 2 (commencing with Section 307) and of Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure are applicable to and constitute the rules of practice in the proceedings mentioned in this code with regard to discovery, trials, new trials, appeals, and all other matters of procedure.

An affidavit or verified petition must be received as evidence when offered in any uncontested probate proceedings, including proceedings relating to the administration of estates of decedents and proceedings relating to the administration of estates of minors or incompetent persons or conservatees after a guardian or conservator has been appointed therein and in uncontested proceedings to establish a record of birth. The evidence of one or more of the subscribing witnesses may be received by an affidavit to which there is attached a photographic copy of the will, in any uncontested will proceedings.

SEC. 4. Section 1233 of the Probate Code is amended to read:

1233. Except as otherwise provided by this code or by rules adopted by the Judicial Council, the provisions of Part 2 (commencing with Section 307) and of Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure are applicable to and constitute the rules of practice in the proceedings mentioned in this code with regard to discovery, trials, new trials, appeals, and all other matters of procedure.

An affidavit or verified petition must be received as evidence when offered in any uncontested probate proceedings, including proceedings relating to the administration of estates of decedents and proceedings relating to the administration of estates of minors or incompetent persons or conservatees after a guardian or conservator has been appointed therein and in uncontested proceedings to establish a record of birth.

SEC. 5. Section 2 of this act shall become operative only if Senate Bill No. 649 is enacted by the Legislature at its 1967 Regular Session and amends Section 1233 of the Probate Code, and in such case at the same time as Senate Bill No. 649 takes effect, at which time Section 1 of this act is repealed.

SEC. 6. Section 3 of this act shall become operative only if Assembly Bill No. 854 is enacted by the Legislature at its 1967 Regular Session and amends Section 1233 of the Probate Code, and in such case at the same time as Assembly Bill No. 854 takes effect, at which time Section 1 of this act is repealed.

SEC. 7. Section 4 of this act shall become operative only if Senate Bill No. 649 and Assembly Bill No. 854 are enacted by

the Legislature at its 1967 Regular Session, and both such bills amend Section 1233 of the Probate Code and in such case at the same time as the last enactment of either Senate Bill No. 649 or Assembly Bill No. 854, at which time Sections 1, 2, 3, 5, and 6 of this act are repealed.

CHAPTER 774

An act to add Section 45010 to the Government Code, relating to city civil service employees.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 45010 is added to the Government Code, to read:

45010. The ordinance shall provide that any period of time during which an employee is required to be absent from his position by reason of an injury or disease for which he is entitled to receive compensation under the provisions of Division 4 (commencing with Section 3201) of the Labor Code is not a break in his continuous service for the purpose of his right to salary adjustments, sick leave, vacation, or seniority.

CHAPTER 775

An act to add Section 11580.6 to the Insurance Code, relating to motor vehicle insurance.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 11580.6 is added to the Insurance Code, to read:

11580.6. Where a policy of liability insurance covering the ownership, maintenance, or use of a motor vehicle contains a provision indicating that coverage is extended to accidents, occurrences, and loss arising in Mexico, the policy shall contain an additional provision, either on the face of the policy or by an endorsement attached thereto stating as follows:

WARNING

Unless you have automobile insurance written by a Mexican insurance company, you may spend many hours or days in jail, if you have an accident in Mexico. Insurance coverage

should be secured from a company licensed under the laws of Mexico to write such insurance in order to avoid complications and some other penalties possible under the laws of Mexico, including the possible impoundment of your automobile.

CHAPTER 776

An act to add Section 730.16 to the Civil Code, relating to trusts.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 730.16 is added to the Civil Code, to read:

730.16. The trustee of any trust created by any will or other instrument shall not be required to set aside a reserve or allowance from trust income for depreciation or depletion on any property held in such trust unless the will or instrument expressly requires such a reserve or allowance. Nothing herein contained shall prevent a trustee in his absolute discretion from establishing such reserve or allowance, or from continuing any previous practice of maintaining such reserve or allowance.

This section applies to any trust created by a will or instrument executed before, as well as any trust created by a will or instrument executed after, the effective date of this section.

CHAPTER 777

An act to repeal Sections 25430 and 25430.5 of the Education Code, relating to the formation of junior college districts.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 25430 of the Education Code is repealed.

SEC. 2. Section 25430.5 of the Education Code is repealed.

CHAPTER 778

An act to amend Sections 13258 and 13259 of the Education Code, relating to school district employees.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 13258 of the Education Code is amended to read:

13258. Persons in positions requiring certification qualifications may be elected for the next ensuing school year on and after the 15th day of March, and each person so elected shall be deemed reelected from year to year except as provided in Sections 1000 and 1001, Sections 13113 to 13116, inclusive, Sections 13252 to 13312, inclusive, Sections 13314 to 13318, inclusive, Sections 13320 to 13326, inclusive, and Sections 13328 to 13337, inclusive.

At any time after the 31st day of December, any person not then employed in the school district may be elected for the next ensuing school year to a position requiring certification qualifications.

SEC. 2. Section 13259 of the Education Code is amended to read:

13259. Any certificated employee not under permanent tenure who fails to signify his acceptance within 45 days after notice of his election or employment has been given him, or mailed to him by United States registered mail with postage thereon prepaid at his last known place of address, by the clerk or secretary of the governing board of the school district, shall be deemed to have declined the employment.

CHAPTER 779

An act to amend Section 601 of the Code of Civil Procedure, relating to the challenge of jurors.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 601 of the Code of Civil Procedure is amended to read:

601. Challenges are to individual jurors and are either peremptory or for cause.

Each party is entitled to challenges for cause.

If there are only two parties, each party shall be entitled to six peremptory challenges. If there are more than two parties, the court shall, for the purpose of allotting peremptory chal-

lenges, divide the parties into two or more sides according to their respective interests in the issues. Each side shall be entitled to eight peremptory challenges. If there are several parties on a side, the court shall divide the challenges among them as nearly equally as possible. If there are more than two sides, the court shall grant such additional peremptory challenges to a side as the interests of justice may require; provided that the peremptory challenges of one side shall not exceed the aggregate number of peremptory challenges of all other sides. If any party on a side does not use his full share of peremptory challenges, the unused challenges may be used by the other party or parties on the same side.

Peremptory challenges shall not be taken until the panel is full and then must be taken or passed by the sides alternately, commencing with the plaintiff. When each side passes consecutively, the jury shall then be sworn, unless the court, for good cause, shall otherwise order. The number of peremptory challenges remaining with a side shall not be diminished by any passing of a peremptory challenge.

CHAPTER 780

An act to add Section 4742.5 to the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 4742.5 is added to the Health and Safety Code, to read:

4742.5. It may make provision for street-cleaning and streetsweeping services upon the roads and streets within the boundaries of the district. It may contract with any district, city, governmental agency or person for the operation of a street-cleaning and streetsweeping service upon the roads and streets within the boundaries of the district, when, in the judgment of the district board, it is for the best interest of the district to do so, upon such terms and conditions as may be agreed upon.

CHAPTER 781

An act to add Sections 11276 and 11277 to the Government Code, relating to general administrative costs.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 11276 is added to the Government Code, to read:

11276. The Board of Control may, upon request of the Director of Finance, certify at any time during the year to the Controller such amount as it determines, based upon experience of the preceding year, to be a reasonable advance for administrative costs to be made from the appropriation of each state agency supported from a fund, designated in accordance with Section 11271. The Controller shall forthwith transmit to each such state agency a statement in writing setting forth the amount of such advance and stating that unless a written request to defer payment thereof because of lack of availability of funds is filed by the state agency with the Controller within 30 days after the mailing of the statement by the Controller to the state agency, the Controller will transfer the amount of such advance from the special fund or funds concerned to the General Fund. The Controller shall specify on such statement the special fund appropriation to be charged.

SEC. 2. Section 11277 is added to the Government Code, to read:

11277. If, upon receipt of the statement provided in Section 11276, the state agency does not have funds available by law for the payment of the advance, the state agency shall, prior to the expiration of the 30-day period referred to in such statement, file with the Controller, in duplicate, a written request to defer payment of such advance. Upon receipt of any such request, the Controller shall forthwith transmit one copy of such request to the Department of Finance and shall defer action to effect the transfer of funds covering the advance referred to in such request until such transfer has been approved by the Director of Finance. Any advance made under this article shall be applied against the state agency's fair share of administrative costs determined or redetermined as provided in Section 11274 and Section 11275. If the amount advanced exceeds the state agency's fair share of administrative costs, the Controller shall transfer from the General Fund to the special fund appropriation the excess amount advanced.

CHAPTER 782

An act to amend Section 4120 of the Business and Professions Code, relating to the practice of pharmacy.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 4120 of the Business and Professions Code is amended to read:

4120. No person, as principal or agent, shall conduct, as an itinerant vendor, within the state, the business of selling

or in any manner disposing of drugs, nostrums, ointments or any appliances for the treatment of disease, deformities or injury without previously obtaining a license so to do under the provisions of Section 4122.

CHAPTER 783

An act to repeal Chapter 5 (commencing with Section 19201) of Part 3 of Division 9 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to foreign cold storage meat.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Chapter 5 (commencing with Section 19201) of Part 3 of Division 9 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

CHAPTER 784

An act to amend Sections 7255 and 11552 of the Financial Code, relating to savings and loan associations and savings and loan holding companies.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 7255 of the Financial Code is amended to read:

7255. The commissioner may require each association to establish and maintain a specific loss reserve for the amount by which the book value of any asset exceeds the commissioner's appraisal of such asset, for the amount by which the unpaid balance of any loan exceeds the amount for which such loan might lawfully be made based upon the commissioner's appraisal of the security for such loan or in an amount by which the aggregate unpaid balances of a group of loans exceeds the aggregate amount for which such loans might lawfully be made based upon the commissioner's appraisal of the security for such loans.

SEC. 2. Section 11552 of the Financial Code is amended to read:

11552. An annual registration fee shall be paid to the commissioner by each savings and loan holding company which is a company as follows:

(a) Two hundred fifty dollars ($250) as to any savings and loan holding company which controls associations having total assets of up to fifty million dollars ($50,000,000).

(b) Five hundred dollars ($500) as to any savings and loan holding company which controls associations having total assets of up to one hundred million dollars ($100,000,000).

(c) Seven hundred fifty dollars ($750) as to any savings and loan holding company which controls associations having total assets of up to one hundred fifty million dollars ($150,000,000).

(d) One thousand dollars ($1,000) as to any savings and loan holding company which controls associations having total assets of one hundred fifty million dollars ($150,000,000) or over.

CHAPTER 785

An act to amend Section 1604.1 of the Revenue and Taxation Code, relating to equalization of assessments.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 1604.1 of the Revenue and Taxation Code is amended to read:

1604.1. An assessment made pursuant to Sections 501, 503, 504, 531, 531.1, 531.5, or 1061 of this code is not effective for any purpose, including its review, equalization and adjustment by the Board of Equalization, until the assessee has been notified thereof personally or by United States mail at his address as contained in the official records of the county assessor. Receipt by the assessee of a tax bill based on said assessment shall suffice as such notice.

Upon application for reduction pursuant to Section 1607 of this code, such assessments shall be subject to review, equalization and adjustment by the county board of equalization.

CHAPTER 786

An act to add Section 4024.1 to the Welfare and Institutions Code, relating to mentally ill and mentally retarded persons.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 4024.1 is added to the Welfare and Institutions Code, to read:

4024.1. Notwithstanding the provisions of Division 6 (commencing with Section 5000) of this code or any other law to the contrary, when a mentally ill or mentally retarded person is committed by a court to the Department of Mental Hygiene for placement in a state hospital, the order of the court shall not designate a particular hospital for placement of the person. The Department of Mental Hygiene shall designate a hospital or other facility under the jurisdiction of the department in which the person shall be placed for care and treatment and may transfer any such person to a different hospital or facility in accordance with applicable provisions of this code, except that a mentally retarded person shall not be transferred to a different state hospital without the consent of his parent or guardian, if any.

The Department of Mental Hygiene shall notify the clerks of the several superior courts of the state of the particular state hospital or facility initially designated by the department for each person committed, and may revise its designation from time to time. Any mentally ill or mentally retarded person ordered committed to the Department of Mental Hygiene shall be delivered to the state hospital or facility designated by the department in accordance with applicable provisions of law.

SEC. 2 Section 1 of this act shall cease to be operative on July 1, 1968, if Assembly Bill No. 1221 is enacted by the Legislature at its 1967 Regular Session.

CHAPTER 787

An act to amend Section 2137.1 of the Business and Professions Code, relating to physicians and surgeons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1967 Filed with Secretary of State July 17, 1967]

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

SECTION 1. Section 2137.1 of the Business and Professions Code is amended to read:

2137.1. Subject to the provisions of the State Civil Service Act, any person who is licensed to practice medicine in any other state and who complies with each and all of the requirements of Section 2147.5 with respect to registration with the board and graduation from a school approved by the board, may be appointed to a medical staff within a state institution and, under supervision of a licensed physician and surgeon, may treat persons under the jurisdiction of any such state institution for a period not exceeding one year or until October 1, 1969, whichever is later; provided, that qualified physicians and surgeons cannot be recruited in the State of California. At the end of such time he must have secured a physician's

and surgeon's certificate in order to continue as a member of such medical staff. Until such person has obtained a physician's and surgeon's certificate he shall not engage in the practice of medicine and surgery in this state except to the extent expressly herein permitted. No person appointed pursuant to this section shall be employed in any state institution or institutions for a period in excess of two years from the date such person was first employed. The provisions of this section shall terminate on October 1, 1969.

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 such necessity are:

Section 2137.1 of the Business and Professions Code permits certain persons licensed to practice medicine in other states to be appointed to the medical staff of state institutions and to practice medicine therein. The section will terminate on October 1, 1967. This act extends the operation of the section until October 1, 1969.

Unless this act is an urgency statute it will take effect on the 61st day after final adjournment of the Legislature. Since there is no certain date upon which final adjournment of the 1967 Regular Session will occur, it is possible that Section 2137.1 could terminate before such 61st day and thus suspend the authority of the persons in question to be appointed to the medical staff of state institutions and to practice medicine therein. To avoid any such consequence it is imperative that this act take effect immediately.

CHAPTER 788

An act to add Section 2192.7 to the Business and Professions Code, relating to physicians.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 2192.7 is added to the Business and Professions Code, to read:

2192.7. Notwithstanding the provisions of Section 2192 of this code, the board shall permit any person who meets the other requirements of this chapter to take a physician's and surgeon's oral examination if he also meets all of the following requirements:

(a) Graduated from a medical school located in the United States within a period of seven years prior to the approval of the school by the board.

(b) Was licensed by another state to practice medicine after passing a written examination.

(c) Has been engaged in the practice of medicine in the United States for at least 10 years.

(d) Has been a resident of the State of California for at least five years.

(e) Shall have applied for a license to practice medicine in California before December 31, 1960.

If the applicant successfully passes a physician's and surgeon's oral examination, the board shall issue him a physician's and surgeon's certificate.

CHAPTER 789

An act to amend Sections 1190.1 and 1193 of the Code of Civil Procedure, and to amend Section 4210 of the Government Code, relating to works of improvement.

[Approved by Governor July 17, 1967. Filed with Secretary of State July 17, 1967.]

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

SECTION 1. Section 1190.1 of the Code of Civil Procedure is amended to read:

1190.1. (a) Any of the persons mentioned in Sections 1181 and 1184.1, except the contractor, and all persons, firms and corporations, excluding the contractor, performing work or furnishing materials, or both, upon any public improvement, including highways, streets, wagon roads, viaducts or sewers, may at any time, prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of Section 1193.1 of this code, give to the owner, a notice that they have performed labor or furnished materials, or both, to the contractor or other person acting by the authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor and materials and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both, and any of said persons who shall on the written demand of the owner refuse to give such notice shall thereby deprive himself of the right to claim a lien under this chapter.

(b) Such notice must be verified by the claimant, or by some person acting in his behalf, and may be given by delivering the same to said owner, personally, or by leaving it at his residence or place of business with some person in charge, or by delivering it to his architect, if any; provided, however, that in all cases in which said work is being done under a contract with the state, or with any public board, commission, or officer

thereof, or with any political subdivision thereof, such notice must be filed, within said time, in the office of the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract, or with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council or other body by whom the contract for the improvement was awarded. In the case of any contract of the state by or through the Department of Public Works, such notice must be filed with the Director of Public Works, and not with the State Controller. In the case of any contract of the state by or through any other state department, board, commission, or officer, such notice must be filed within said time with the head of such state department, board, commission, or officer and not with the State Controller. No such notice shall be invalid by reason of any defect in form; provided, it is sufficient to inform the owner of the substantial matters herein provided for.

(c) Upon such notice being given it shall be the duty of the person to whom such notice is given to, and he shall withhold from his contractor or from any person acting under his authority and to whom said labor or materials, or both have been furnished, or agreed to be furnished, sufficient money or sufficient bonds, where bonds are to be issued in lieu of money by the political subdivision which contracted for said work, due or that may become due to such contractor to answer such claim and any lien that may be filed therefor, and, if the owner is a public body whose property, by reason of public policy or otherwise, is not subject to the liens in this chapter provided for, also the reasonable cost of any litigation thereunder.

Provided, however, that if in connection with any private work of improvement, any statutory labor and material bond has been furnished under Section 1185.1 of this code complying with the provisions of such last mentioned section and has been recorded in the office of the county recorder, as in said section, provided, then in said event, it shall not be the duty of the person to whom such notice is given to withhold any moneys pursuant to such notice but such moneys may be withheld by such person to whom such notice is given.

If the contractor asserts that the claim upon which any such notice is based, or out of which it arises, is either: (1) not included within the types or classifications of claims referred to in this section, or (2) that the claimant is not one of the persons mentioned in Sections 1181 and 1184.1, or (3) that the amount of the claim as specified in such notice is excessive, or (4) that there is no basis in law for the claim as referred to and set out in such notice, then, on any such ground, or any combination thereof, such contractor may avail himself of the right to prepare and deliver to the department head, board, commission, or officer thereof, to whom such notice was given, an affidavit and a copy thereof alleging any one or more of the grounds hereinabove set out, and claiming that the moneys or bonds withheld by such officer, or any part of either such

moneys or bonds, are being withheld improperly or in an excessive amount, and further demanding the release of all or such portion of such moneys or bonds as is alleged to be withheld improperly or in an excessive amount. Such affidavits shall state all of the facts necessary to support the claim of the contractor, and shall also state his address within this state for the purpose of permitting service by mail upon him of any counteraffidavit, notice of motion, or other notice or legal document.

The department head, board, commission, or officer thereof, shall serve upon the claimant, either personally or by mail, a copy of the affidavit, together with a written notice stating that the affidavit and demand for release has been received and that such department head, board, commission, or officer thereof will release such moneys or bonds, or such portion of either as has been demanded, unless the claimant files with such department head, board, commission, or officer thereof, a counteraffidavit on or before a time designated in the notice, which shall be not less than 10 nor more than 20 days after service of the copy of such affidavit. Service by mail shall be complete by placing the notice and copy of the affidavit in a sealed envelope addressed to the last known address of the claimant, registered with return receipt requested, and depositing it in the United States mail with postage fully prepaid. Proof of service, either personally or by mail, shall be made by an affidavit.

If the claimant desires to contest the contractor's affidavit and demand for release, he shall, within the time allowed, file with the department head, board, commission, or officer thereof, a counteraffidavit alleging the details of his claim and shall also set forth in detail the specific basis upon which he contests or rebuts the claim or claims of the contractor, together with proof of service of a copy of such counteraffidavit upon the contractor.

The department head, board, commission, or officer thereof, shall not be responsible for the validity of said affidavit or counteraffidavit.

If no such counteraffidavit with proof of service is filed with the department head, board, commission, or officer thereof, within the time allowed, then such department head, commission, or officer thereof, shall forthwith release the moneys or bonds, or such portion thereof as has been demanded by such affidavit, without further notice to the claimant and shall not be liable in any manner for making such release.

If such counteraffidavit, together with proof of service, is so filed, either the contractor or the claimant may file an action in the appropriate superior court for a declaration of his rights in and to such moneys or bonds as have been withheld under the original notice, together with such other relief as may be appropriate. After the filing of a suit requesting such a declaration of rights, either the contractor or the claimant shall be entitled to a hearing in the court in which the action is pending

for the purpose of determining his rights under the affidavit and demand for release of such moneys or bonds or any portion of either of them and the counteraffidavit. Such hearing must be granted by the court upon motion of either party, and such hearing must be had within 15 days from the date of making of such motion, unless continued by the court for good cause. The party making the motion for hearing must give not less than five days notice in writing of such hearing to the department head, board, commission, or officer thereof, and to the other party, and shall specify in the notice that the hearing is for the purpose of determining the sufficiency of and the issues involved in the demand for release of such moneys or bonds. The notice may be of the motion or of the hearing, and upon the filing of the notice with the clerk of the court, the motion is deemed made.

At such hearing, the contractor who has filed the affidavit and made the demand for the release of such moneys or bonds shall have the burden of proof. The affidavit and counteraffidavits shall be filed with the court by the department head, board, commission, or officer thereof, who received them, and they shall constitute the pleadings, subject to the power of the court to permit an amendment in the interest of justice. The affidavit of the contractor shall be deemed controverted by the counteraffidavit, and both shall be received in evidence.

Nothing herein contained shall be construed to deprive any party of the right of a jury trial in any case where such right is given by the Constitution, but a jury trial may be waived in any such case in like manner as in the trial of an action. No findings shall be required in a proceeding under this section. When the hearing is before the court sitting without a jury and no evidence other than the affidavit and counteraffidavit is offered, if the court is satisfied that sufficient facts are shown thereby, it may make its determination thereon, otherwise, it shall order the hearing continued for the production of other evidence, oral or documentary, or the filing of other affidavits and counteraffidavits. At the conclusion of the hearing, the court shall make and enter its order determining whether the demand for release of such moneys or bonds shall be allowed or not, which order shall be determinative as to the right of the claimant to have the moneys or bonds further withheld by the department head, board, commission, or officer thereof. No determination in the summary proceedings under this section shall be res adjudicata with respect to any right of action by the claimant against either principal or surety on or under the statutory labor and material bond given under Sections 4200 to 4208, inclusive, of the Government Code, commonly referred to as the California Public Works Bond Act, or with respect to any right of action against any party personally liable to claimant. The contractor shall, either personally or by mail, serve a copy of said order on the appropriate department head, board, commission, or officer thereof.

(d) In the event the moneys so withheld or required to be withheld shall be insufficient to pay in full the valid demands of all persons by whom such notices were given, the same shall be distributed among such persons in the same ratio that their respective claims bear to the aggregate of such valid demands. Such pro rata distribution of said moneys shall be made among the persons entitled to share therein, without regard to the order of priority in which their respective notices may have been given or their respective actions, if any, commenced.

(e) Any person who shall willfully give a false notice of his claim to the owner or who shall willfully include in his claim work or materials not performed upon or furnished for the property described in such notice shall forfeit all right to participate in the pro rata distribution of such moneys and all right to any lien under this chapter.

(f) Nothing in this article contained shall be construed to impair in any manner the right of any person by whom such notice has been given to recover from the contractor or his sureties any deficit that may remain unpaid after such pro rata distribution in an action upon the bond provided for by Section 4200 of the Government Code.

(g) The word "owner" as used in this section, includes the state, or any public board, commission, or officer, thereof, or any political subdivision thereof, whether the said work be done by or under the direction of said state, public board, commission, or officer thereof, or any political subdivision thereof.

(h) Any of the persons mentioned in Sections 1181 and 1184.1, except the contractor, at any time prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of Section 1193.1 of this code, may, in any instance in which the funds with which the cost of the work of improvements are, wholly or in part, to be defrayed from the proceeds of a building loan, give to the mortgagee, beneficiary under deed of trust, or assignee or successor in interest of either, or to any escrow holder or other party holding any funds furnished or to be furnished by the owner or lender or any other person as a fund from which to pay construction costs or arising out of a construction or building loan, a notice similar to the one provided for in subdivision (a) of this section, whereupon the person so given such notice under this subsection may withhold funds to answer such claims and any lien that may be filed therefor, but shall be under no obligation to do so unless a bond is furnished as hereinafter provided. Such notice may only be given for materials, equipment, or services furnished, or labor performed.

If such person entitled to file such a claim under this subsection files with the person holding such funds as a fund from which to pay such construction costs, a bond with good and sufficient sureties in a penal sum equal to one and one-quarter times the amount of such claim, undertaking that if the de-

fendant recovers judgment in an action brought on said verified claim or on the lien filed by the claimant, the lien claimant will pay all costs that may be awarded against the owner, contractor, or person holding such funds, or any of them, and all damages that such owner, contractor, or person holding such funds may sustain by reason of the equitable garnishment effected by the claim or by reason of the lien, not exceeding the sum specified in the undertaking, then the person holding such funds must withhold from the borrower or other person to whom said owner may be obligated to make payments or advancements out of said fund sufficient money to answer such claim, and any lien that may be filed therefor. No assignment by the owner or contractor of construction loan funds, whether made before a verified claim is filed, or after such claim is filed shall be held to take priority over claims filed under this subsection (h) and such assignment shall have no binding force insofar as the rights of claimants who file claims hereunder are concerned.

(i) If the contractor, subcontractor, or any other person against whom any claim is filed under subsection (h) above, or if the owner, mortgagee, beneficiary under deed of trust, escrow holder or any other person, disputes the correctness or validity of any claim so filed on private construction work, the contractor, subcontractor, owner or any such other person disputing such claim, may file with the custodian of such fund a bond executed by good and sufficient sureties in a penal sum equal to one and one-quarter times the amount of such claim, which bond shall guarantee the payment of any sum not exceeding the penal obligation of the bond, which the claimant may recover on the claim, together with his costs of suit in the action, if he recovers therein. Upon the filing of such last mentioned bond the funds withheld to respond to the verified claim shall forthwith be released.

(j) Subsections (h) and (i) above shall not apply to public work; nor shall either of such sections be applicable if in connection with a private work of improvement any statutory labor and material bond has been furnished under Section 1185.1 of this code complying with the provisions of such Section 1185.1, and has been recorded in the office of the county recorder at any time prior to the filing of the first verified claim or notice to withhold.

(k) To be effective any verified claim or notice to withhold filed under subsection (h) served upon a banking corporation or association, building and loan association, title insurance company, escrow holder or other person holding such construction funds, and maintaining branch offices must be given to or served upon the manager or other responsible officer or person at the office or branch thereof administering or holding such construction funds.

(*l*) Any verified claim or notice to withhold may be served by registered mail with the same effect as by personal service.

(m) If the person holding the funds objects to the sufficiency of the sureties on the bond referred to in subsection (h) above, he must give notice in writing to the claimant within 20 days after the service of the notice provided for in subsection (h) that he so objects, in which event the claimant may within 10 days after the receipt of such written objection substitute for the bond so objected to a similar bond in like amount executed by a corporate surety licensed to write such bonds in the State of California, and if the claimant fails to do so the party served with such verified claim or notice to withhold may disregard the same and release all funds withheld in response thereto.

(n) The rights of all persons furnishing labor, services, equipment, or materials for any work of improvement, with respect to any fund for payment of construction costs, are governed exclusively by this article, and no such person may assert any legal or equitable right with respect to such fund, other than a right created by direct written contract between such person and the person holding the fund, except pursuant to the provisions of this article.

SEC. 2. Section 1193 of the Code of Civil Procedure is amended to read:

1193. (a) Except one under direct contract with the owner or one performing actual labor for wages, every person who furnishes labor, service, equipment or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the owner or reputed owner, to the original contractor or reputed contractor, and to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by this section.

(b) All persons having a direct contract with the owner, except the contractor or one performing actual labor for wages, who furnishes labor, service, equipment, or material for which a lien otherwise can be claimed under this chapter, or for which a notice to withhold can otherwise be given under this chapter, must, as a necessary prerequisite to the validity of any claim of lien and of the notice to withhold, cause to be given to the construction lender, if any, or to the reputed construction lender, if any, a written preliminary notice as prescribed by subdivision (c) of this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) above shall be given not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite and shall contain the following information:

1. A general description of the labor, service, equipment or materials furnished, or to be furnished, and if there is a construction lender, he shall be furnished with an estimate of the total price thereof in addition to the foregoing.

2. The name and address of such person furnishing such labor, services, equipment or materials.

3. The name of the person who contracted for purchase of such labor, services, equipment or materials.

4. A description of the jobsite sufficient for identification.

5. A statement that if bills are not paid in full for labor, services, equipment or materials furnished, or to be furnished, the improved property may be subject to mechanics' liens.

If an invoice for such materials contains the information required by this section, a copy of such invoice, transmitted in the manner prescribed by this section, shall be sufficient notice.

(d) If labor, service, equipment, or materials have been furnished to a jobsite by a person who elected not to give a preliminary notice as provided in subdivision (a) or (b), such person shall not be precluded from giving a preliminary notice not later than 20 days after furnishing other labor, service, equipment, or materials to the same jobsite; provided, however, that such person shall be entitled to claim a lien and a notice to withhold only for such labor, service, equipment, or material furnished within 20 days prior to the service of such notice and at any time thereafter.

(e) Any agreement made or entered into by an owner whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(f) Service of notice required under this section may be given by delivering the same to the person to be notified, personally, or by leaving it at his address or place of business with some person in charge, or by first-class mail, registered mail, or certified mail, postage prepaid, addressed to the person to whom notice is to be given, at his residence or place of business address, or at the address shown by the building permit on file with the authority issuing a building permit for the work. If the address of the person on whom notice was required to be served is not actually known, then service of such notice may be by first-class mail, registered mail, or certified mail addressed to the job site with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "Owner," or to the person to whom a notice to withhold may be given, if known, or if not known, then to "Construction Lender," or to the original contractor, if known, or if not known, then to "General Contractor." When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(g) A person required by this section to give notice to the owner and to an original contractor and to a person to whom a notice to withhold may be given, need give only one such notice to the owner, and to the original contractor and to the person to whom a notice to withhold may be given with respect to all materials, service, labor, or materials he furnishes for a

work of improvement, which means the entire structure or scheme of improvements as a whole, unless the same is furnished under contracts with more than one subcontractor, in which event the notice requirements must be met with respect to materials, services, labor, or equipment furnished to each such subcontractor.

If a notice contains a general description required by subdivision (a) or (b) of the materials, services, labor, or equipment furnished to the date of the notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor or equipment not within the scope of such general description.

(h) Where the cost of the work of improvement is in excess of two hundred dollars ($200), the failure of any contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section constitutes grounds for disciplinary action by the Registrar of Contractors.

(i) The provisions of this section shall not apply to any public work which is subject to the notice provisions of Section 4210 of the Government Code.

SEC. 3. Section 4210 of the Government Code is amended to read:

4210. (a) In any case in which the law of this state affords a right to a person furnishing labor or materials for a public work who has not been paid therefor to file a stop notice with the public agency concerned and thereby cause the withholding of payment from the contractor for the public work, any such person having no direct contractual relationship with the contractor, other than a person who performed actual labor for wages, may file such a notice, but no payment shall be withheld from any such contractor pursuant to any such notice, unless such person has caused written notice to be given to such contractor and the public agency concerned, not later than 20 days after the claimant has first furnished labor, services, equipment, or materials to the jobsite, stating with substantial accuracy a general description of the labor, service, equipment, or materials furnished, or to be furnished, and the name of the party to whom the same were furnished. Such notice shall be served by mailing the same by first-class mail, registered mail, or certified mail, postage prepaid, in an envelope addressed to the contractor at any place he maintains an office or conducts his business, or his residence, or by personal service. In case of any public works constructed by the Department of Public Works or the Department of General Services of the state, such notice shall be served by mailing in the same manner as above, addressed to the office of the disbursing officer of the department constructing the work or by personal service upon such officer. When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(b) Where the cost of the work of improvement is in excess of two hundred dollars ($200), the failure of any contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, to give the notice provided for in this section constitutes grounds for disciplinary action by the Registrar of Contractors.

SEC. 4. This act shall not apply to any work of improvement commenced prior to the effective date of this act.

CHAPTER 790

An act to amend Sections 6402, 6420, 6447, 6481, 6485, 6503, 6509, 6630, 6631, and 6632 of, to add Section 10427.2 to, and to repeal Sections 5398, 5399, 5400, and 6401 of the Streets and Highways Code, relating to municipal improvements.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 5398 of the Streets and Highways Code is repealed.

SEC. 2. Section 5399 of the Streets and Highways Code is repealed.

SEC. 3. Section 5400 of the Streets and Highways Code is repealed.

SEC. 4. Section 6401 of the Streets and Highways Code is repealed.

SEC. 5. Section 6402 of the Streets and Highways Code is amended to read:

6402. If the amount of the unpaid assessment upon any lot or parcel of land is less than fifty dollars ($50), the assessment shall be collected as provided in Part 3 of this division.

SEC. 6. Section 6420 of the Streets and Highways Code is amended to read:

6420. After the full expiration of 30 days from the date of the recordation of the warrant, and after the filing of the written statement of all payments received by the contractor or his assignees upon the assessment, the street superintendent shall make and certify to the treasurer a complete list of all assessments unpaid, which amount to fifty dollars ($50) or over, upon any assessment, or diagram number.

SEC. 7. Section 6447 of the Streets and Highways Code is amended to read:

6447. The owner of or any person interested in any lot or parcel of land upon which a bond has been issued under the terms of this division may at any time before commencement of proceedings for sale pay off the bond and discharge the land described in the bond from the lien of the assessment. The dis-

charge may be had by paying to the treasurer, for the holder of the bond, the amount then unpaid on the principal sum thereof, with interest thereon (if not previously paid) up to the next succeeding January 2 or July 2, as the case may be, at the rate named in the bond, and all penalties accrued and unpaid, together with the premium, if any, required by Section 6464. For the purpose of this section, a bond shall be deemed to be issued (i) on the 31st day after the recordation of the warrant upon any unpaid assessment for which the legislative body has provided for the issuance of a bond to represent said unpaid assessment or (ii) the last date for payment of the assessment, as specified in the statement required by Section 5390, whichever may be later.

SEC. 8. Section 6481 of the Streets and Highways Code is amended to read:

6481. When it is desired that new bonds be issued, an application therefor in writing signed by the owner of any interest in any of the lots or parcel into which the original lot or parcel has been divided shall be filed with the street superintendent. The application shall indicate how the original lot or parcel has been divided, request the street superintendent to apportion the amount remaining unpaid on the assessment in accordance with the division, and be accompanied by a fee of ten dollars ($10) for each separate part or parcel of land into which the original lot or parcel has been divided. If the legislative body determines that the fee set forth above is not sufficient to reimburse the city for the necessary administrative costs in processing applications under this chapter, the legislative body by resolution may fix a fee in an amount that will reimburse the city for the necessary costs in processing applications under this chapter. The street superintendent shall deposit all such fees in the treasury.

SEC. 9. Section 6485 of the Streets and Highways Code is amended to read:

6485. The treasurer shall add to each apportioned amount a sum equal to 5 percent thereof but in no event more than ten dollars ($10) and shall make and sign a new bond in the same form as the existing bond, to represent each such apportioned amount, and the amount so added if the apportioned amount is fifty dollars ($50) or more.

SEC. 9.1. Section 6503 of the Streets and Highways Code is amended to read:

6503. After the expiration of six months from the time of mailing the notice and upon payment by the holder of the bond to the treasurer of the estimated expenses of publication of a notice of sale, the treasurer shall publish a notice of sale in a newspaper of general circulation, published in the city in which the bond was issued, or if no newspaper is published in the city, then in some newspaper having general circulation therein.

SEC. 10. Section 6509 of the Streets and Highways Code is amended to read:

6509. If such payment is not made, the sale shall be made as advertised, and the lot or parcel described in the bond shall be sold to the purchaser who shall take the least amount of the lot or parcel and pay all of the sums specified in the notice of sale. In the event there are no bidders, a certificate of sale shall be issued to the bond owner upon surrender of the bond, including all unpaid principal and interest coupons, to the treasurer and payment to the treasurer of any expenses of publication paid or incurred by the treasurer, the fee required by Section 6507 for the issuance of a certificate of sale and the fee of the recorder for recording such certificate.

SEC. 11. Section 6630 of the Streets and Highways Code is amended to read:

6630. Notwithstanding any other provisions of this part, any person owning or having any interest in any property may at any time after commencement of an action or proceeding for sale or foreclosure pursuant to Chapter 6 (commencing with Section 6500) or Chapter 11 (commencing with Section 6610) of this part and before sale of that property to enforce the lien arising thereon for failure to make any payment of the principal or of the interest upon any bond which has become delinquent apply to the treasurer for reinstatement of the bond. As used in this part "commencement of an action or proceeding," or variants thereof, means the date of filing with the county recorder of a notice of pendency of a sale or foreclosure pursuant to Part 3 (commencing with Section 3120) of Division 4.5 of this code or, if such notice of pendency is not required to be filed with the county recorder, (i) in the case of proceedings for a treasurer's sale pursuant to Chapter 6 (commencing with Section 6500) of this part, the date of receipt by the treasurer of the written demand provided for by Section 6500, or (ii) in the case of a foreclosure action brought in the superior court pursuant to Chapter 11 (commencing with Section 6610) of this part, the date of filing the complaint with the clerk of court.

SEC. 12. Section 6631 of the Streets and Highways Code is amended to read:

6631. Notwithstanding the provisions of Section 6619, the treasurer shall reinstate any delinquent bond upon which an action or proceeding for sale or foreclosure has been commenced, upon the payment to him of all principal and interest coupons delinquent at the time of such reinstatement together with:

(a) All penalties imposed pursuant to Section 6442;

(b) Fees for filing with the county recorder of a notice of pendency of a sale or foreclosure pursuant to Part 3 (commencing with Section 3120) of Division 4.5 of this code;

(c) If the proceedings are pursuant to Chapter 6 (commencing with Section 6500) of this part, the expenses of publication of notice of sale paid or incurred by the treasurer;

(d) If the proceedings are pursuant to Chapter 11 (commencing with Section 6610) of this part, the costs of suit, the cost of abstract or report of search of title, and authorized attorneys fees; and

(e) A reinstatement fee determined as follows:

If the action or proceeding for sale or foreclosure was commenced within the following periods, measured from the date of the first delinquent principal or interest coupon:

1. Less than six months, the reinstatement fee shall be five dollars ($5);

2. Six months but less than a year, the reinstatement fee shall be ten dollars ($10);

3. One year or more, and

(i) The unpaid principal is less than one hundred dollars ($100), the reinstatement fee shall be fifteen dollars ($15);

(ii) The unpaid principal is one hundred dollars ($100) or more, the reinstatement fee shall be twenty dollars ($20).

SEC. 13. Section 6632 of the Streets and Highways Code is amended to read:

6632. The holder of any bond so reinstated shall be entitled to all reinstatement payments made pursuant to Section 6631, adjusted for any difference between the estimated expenses of publication of the notice of sale and the actual expenses paid or incurred by the treasurer for such publication, and excepting penalties, if any, required to be retained by the treasurer pursuant to Section 6442. Upon receiving the reinstatement payments the treasurer shall enter on the record of the bond the word "reinstated." giving the date thereof. Any bond so reinstated shall have the same effect and status as the original bond, with the same rights as to lien, payments, and foreclosure.

SEC. 14. Section 10427.2 is added to the Streets and Highways Code, to read:

10427.2. If, pursuant to Section 10427, the legislative body determines that any surplus remaining in the improvement fund shall be used as a credit upon the assessment or any supplemental assessment, the legislative body may also determine that such surplus shall be applied as a credit to the city or any local, state or national agency or authority which shall have made a contribution towards the costs and expenses of the improvement. A credit on account of any contribution shall be made in the proportion which such contribution bears to the total amount of the assessment or supplemental assessment prior to the deduction of all such contributions. All such credits shall be returned in cash to the city, local, state or national agency or authority making such contribution. The surplus remaining in the improvement fund after making credits on account of contributions shall then be applied as a credit in the manner provided in Section 10427.1.

CHAPTER 791

An act to amend Sections 6422, 6480, 6481, 8730, 8731, 8734, 8740.1, 10110, and 10204 of the Streets and Highways Code, relating to municipal improvements.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 6422 of the Streets and Highways Code is amended to read:

6422. The treasurer shall upon the filing of the list, make out, sign, and issue to the contractor, or other person entitled to the proceeds of the warrant and assessment, a separate bond, representing upon each lot or parcel of land, including each condominium interest as defined in Section 783 of the Civil Code, upon the list the total amount of the assessment against the same, as thereon shown.

SEC. 2. Section 6480 of the Streets and Highways Code is amended to read:

6480. If any lot or parcel of land for which a bond has been issued is divided into two or more separate lots or parcels of land, including separate condominium interests, the bond may be surrendered and new bonds issued to the holder of the existing bond in the manner prescribed in this chapter.

SEC. 3. Section 6481 of the Streets and Highways Code is amended to read:

6481. When it is desired that new bonds be issued, an application therefor in writing signed by the owner of any interest in any of the lots or parcels, including condominium interests, into which the original lot or parcel has been divided shall be filed with the street superintendent. The application shall indicate how the original lot or parcel has been divided, request the street superintendent to apportion the amount remaining unpaid on the assessment in accordance with the division, and be accompanied by a fee of five dollars ($5) for each separate part or parcel of land into which the original lot or parcel has been divided. If the legislative body determines that the fee set forth above is not sufficient to reimburse the city for the necessary administrative costs in processing applications under this chapter, the legislative body by resolution may fix a fee in an amount that will reimburse the city for the necessary costs in processing applications under this chapter. The street superintendent shall deposit all such fees in the treasury.

SEC. 4. Section 8730 of the Streets and Highways Code is amended to read:

8730. If any lot or parcel of land upon which there is an unpaid assessment against which a bond has been issued under this division, is divided, including a division into condominium

interests as defined in Section 783 of the Civil Code, or the ownership of a portion of such lot or parcel of land is transferred to another person, the legislative body may order the street superintendent to file with the clerk an amended assessment of the original parcel of land affected by such division or transfer of ownership, segregating and apportioning the unpaid installments of the original assessment in accordance with the benefits to the several parts of the original lot or parcel plus costs and fees of making the apportionment. The legislative body shall, at the time of ordering the amended assessment, fix the amount of costs and fees for preparing the amended assessment, the notices, and the amended assessment diagram.

SEC. 5. Section 8731 of the Streets and Highways Code is amended to read:

8731. The street superintendent shall file with the clerk a report and an amended assessment of the lots or parcels of land described in the order of the legislative body, together with a map or plat showing how such lots or parcels have been divided. The total amount of the assessments of the several portions of any one original lot or parcel shall be equal to the unpaid assessments upon the original lot or parcel of land, plus the costs and fees for making the amended assessment, the notices, and the amended assessment diagram as determined by the legislative body under Section 8730. The street superintendent shall apportion the costs and fees to the respective parcels in proportion to the amount of the divided assessments against the parcels. Prior to making a division and prior to making the amended assessment, the street superintendent shall notify the owner of the original parcel assessed, as the name of the owner appears on the last equalized roll for taxes, or as it is known to the street superintendent, of the order of the legislative body fixing the costs and fees of the apportionment, and directing that the payment thereof be made to the superintendent of streets within 15 days of the notification. In the event the amount of the costs and fees of the apportionment is not paid within 15 days of the notification, the superintendent of streets shall proceed to prepare the amended assessment and shall show separately thereon, but as a part of the total, the amount of costs and fees chargeable to each divided parcel. The street superintendent shall deposit all such costs and fees in the general fund of the treasury.

SEC. 6. Section 8734 of the Streets and Highways Code is amended to read:

8734. The clerk shall file the amended assessment as confirmed or modified by the legislative body with the auditor, who shall annually thereafter enter upon the assessment roll the installments becoming due on each component part of the original parcel opposite a description of the respective parcels so assessed. The amount charged for fees and costs as shown on the amended assessment as to each parcel shall be entered upon the assessment roll and shall be collected along with the

first installment of the amended assessment. The street superintendent shall deposit all such costs and fees in the general fund of the treasury.

When a city is conducting the proceedings and collections upon the assessments are made by county officials the city clerk shall transmit a copy of the amended assessment to the county auditor.

SEC. 7. Section 8740.1 of the Streets and Highways Code is amended to read:

8740.1. If any lot or parcel of land upon which there is an unpaid assessment represented by bonds issued under this division is subdivided, including a division into condominium interests as defined in Section 783 of the Civil Code, or the ownership of a portion of such lot or parcel of land is transferred to another person, the owner of any interest in any of the lots or parcels into which the original lot or parcel has been divided shall file an application in writing with the street superintendent. The application shall indicate how the original lot or parcel has been divided or transferred, request the street superintendent to apportion the amount remaining unpaid on the assessment in accordance with the division, and be accompanied by a fee in an amount to be fixed by the legislative body for each separate part or parcel of land into which the original lot or parcel has been divided or transferred. The street superintendent shall deposit all such fees in the treasury.

SEC. 8. Section 10110 of the Streets and Highways Code is amended to read:

10110. Before the ordering of the work, acquisitions or improvements which are to be owned, managed or controlled by any other public agency, or regulated public utility, the legislative body shall enter into an agreement with the public agency or utility which has, or may have, charge of the works, appliances, or improvements. Among other things such agreement may provide for any or all of the following:

(a) For the supplying by the public agency or utility of plans and specifications in accordance with the provisions of Chapter 5 (commencing at Section 5170) of Part 3 of Division 7 of this code.

(b) For the performance of work or service by the public agency or utility, and the payment to the public agency or utility out of the improvement fund for such work, service, or charges. Any agreement providing for the performance of work by a public utility shall provide for the posting of labor, material and performance bonds in accordance with Chapter 6 (commencing with Section 10500) of this division.

(c) For the acquisition by the legislative body of works or appliances already installed and for the conveyance of said works to the public agency or utility. The owner of such works or appliances may be a party to the agreement.

(d) That the agreement shall become effective after proceedings have been taken pursuant to this division and the

funds are available to carry out all the terms thereof. Whenever it is proposed to annex to the public agency the territory in which the installation or acquisition is contemplated, proceedings may be taken up to and including the confirmation of the assessment as provided for in Section 10312 prior to the commencement of the annexation proceedings. If the annexation is successful, the assessment shall be recorded and such other proceedings taken as may enable the parties to comply with the terms of the agreement. If the annexation proceedings fail, further proceedings under the resolution of intention are barred.

Any agreement entered into pursuant to this section, to the extent that utilities have been financed by special assessments, shall provide that no main extension refund agreement shall be entered into with a developer.

SEC. 9. Section 10204 of the Streets and Highways Code is amended to read:

10204. The report of the person or board to whom the improvement is referred by the legislative body shall contain:

(a) Plans and specifications of the proposed improvement if the improvement is not already installed.

(b) A general description of works or appliances already installed and any other property necessary or convenient for the operation of the improvement, if the works, appliances, or property are to be acquired as part of the improvement.

(c) An estimate of the cost of the improvement and of the cost of lands, rights-of-way, easements, and incidental expenses in connection with the improvement.

(d) A diagram showing the assessment district and the boundaries and dimensions of the subdivisions of land within the district as they existed at the time of the passage of the resolution of intention. Each subdivision, including each separate condominium interest as defined in Section 783 of the Civil Code, shall be given a separate number upon the diagram.

(e) A proposed assessment of the total amount of the cost and expenses of the proposed improvement upon the several subdivisions of land in the district in proportion to the estimated benefits to be received by such subdivisions, respectively, from the improvement. When any portion or percentage of the cost and expenses of the improvement is ordered to be paid out of the treasury of the municipality, pursuant to Section 10200, the amount of such portion or percentage shall first be deducted from the total estimated cost and expenses of the improvement, and the assessment upon property proposed in the report shall include only the remainder of the estimated cost and expenses. The assessment shall refer to the subdivisions by their respective numbers as assigned pursuant to subdivision (d) of this section.

CHAPTER 792

An act to amend Sections 262 and 268 of, and to add Section 274 to, the Revenue and Taxation Code, relating to property tax exemptions.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 262 of the Revenue and Taxation Code is amended to read:

262. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1960, 1961, 1962, 1963, 1964, 1965, 1966 or 1967 on property as to which the church exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 2. Section 268 of the Revenue and Taxation Code is amended to read:

268. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1960, 1961, 1962, 1963, 1964, 1965, 1966 or 1967 on property as to which the welfare exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 3. Section 274 is added to the Revenue and Taxation Code, to read:

274. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1967 on property as to which the cemetery exemption was available for such fiscal year, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected. This section shall have no force or effect after the lien date of 1968.

CHAPTER 793

An act to amend Section 254 of, and to add Sections 263.5 and 275 to, the Revenue and Taxation Code, relating to property tax exemption.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 254 of the Revenue and Taxation Code is amended to read:

254. Any person claiming the church, cemetery, orphanage, college, exhibition, or welfare exemption shall make a return of the property to the assessor annually, the same as property is listed for taxation, and shall accompany it by an affidavit, giving any information required by the board.

Any person claiming the immature forest trees exemption shall meet the requirements mentioned above except that each owner or new owner of timber need file only when making his original claim for exemption.

SEC. 2. Section 263.5 is added to the Revenue and Taxation Code, to read:

263.5. Any tax or penalty, or interest thereon for any fiscal year commencing during the calendar year 1967 on property owned by any organization qualified for the cemetery exemption pursuant to Section 204 which was acquired by it during that calendar year after the lien date in that year but prior to the commencement of such fiscal year, and of a kind that presently qualifies for the cemetery exemption and that would have so qualified for such fiscal year had it been owned by such organization on such lien date, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been erroneously collected. Any cancellation or refund made pursuant to this section shall be made notwithstanding any limitation upon the time within which such cancellation or refund could otherwise be made.

SEC. 3. Section 275 is added to the Revenue and Taxation Code, to read:

275. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1967 on property as to which the cemetery exemptions were available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 4. The Legislature finds and declares that certain persons and organizations have inadvertently failed to file affidavits required for the cemetery exemption, or have acquired

property for cemetery purposes after the lien date which will deprive them of the cemetery exemption, as granted by Section 1b of Article XIII of the State Constitution, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

CHAPTER 794

An act to add Section 41803.5 to the Government Code, relating to prosecution of misdemeanor offenses.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 41803.5 is added to the Government Code, to read:

41803.5. With the consent of the district attorney of the county, the city attorney of any general law city or chartered city within the county may prosecute any misdemeanor committed within the city arising out of violation of state law. This section shall not be deemed to affect any of the provisions of Sections 71099 or 72193.

CHAPTER 795

An act to add Section 25655 of the Education Code, relating to insurance for driver training.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 25655 is added to the Education Code, to read:

25655. The State Department of Education, in connection with the California School for the Deaf which maintains automobile driver training courses, may purchase from available funds public liability, property damage, collision, fire, theft, and comprehensive automobile insurance for motor vehicles, whether owned by private parties or such school for the deaf, used in connection with such courses.

CHAPTER 796

An act to amend Section 14376 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 14376 of the Education Code is amended to read:

14376. Any person who retired for service may be employed as a substitute in a position requiring certification qualifications, or as a teacher who provides remedial instruction, or as a home teacher, or as a hospital teacher, or as a curriculum writer or consultant in a field in which he is specially qualified, or as a teacher in a rest home for the aged, or in a community center and may be paid not to exceed two thousand five hundred dollars ($2,500) in any one fiscal year. Such employment shall not operate to reinstate the person as a member of this system, or to terminate or suspend his retirement allowance, and no deductions shall be made from his salary as contributions to this system. Such person may be reemployed only if able to pass a physical examination prescribed by the State Board of Education.

A certificate from a physician or surgeon licensed under Chapter 5 (commencing at Section 2000) of Division 2 of the Business and Professions Code showing that he has submitted to and passed a physical examination within one year last past and filed with the county superintendent of schools shall be conclusive evidence of his passing the physical examination required by this section.

CHAPTER 797

An act to amend Section 72052 of the Government Code, relating to municipal and justice courts.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 72052 of the Government Code is amended to read:

72052. Upon order of the presiding judge of a municipal court, the clerk may destroy all records, papers, and exhibits filed or kept in the court in any civil action or special proceeding other than the register of actions, and permanent indexes after the lapse of 10 years from the date on which judgment in such case became final, or if it has not been prosecuted to judgment, after a like period from the date of the commencement of the action or proceeding.

CHAPTER 798

An act to amend Sections 5094.1, 5094.2, and 5094.3 of the Public Resources Code, relating to state and local cooperation and participation with the federal government with respect to recreation and fish and wildlife enhancement facilities at federal water projects.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 5094.1 of the Public Resources Code is amended to read:

5094.1. The Administrator of the Resources Agency, with the approval of the Director of Finance and upon specific authorization by the Legislature, may indicate in writing the state's intent to agree to administer any federal multiple-purpose water project land and water areas for recreation or fish and wildlife enhancement, or both of these purposes, as provided in Public Law 89-72. The administrator, as to each proposed state participation, shall submit any proposed indication of intent, together with supporting material, to the Legislature.

The administrator, before requesting legislative authorization, shall determine that the proposed state participation in the project is in compliance with all comprehensive water, recreation, and fish and wildlife plans of the state.

Notwithstanding the provisions of this section, the Department of Fish and Game may review and coordinate the development of fish and wildlife enhancement features at federal water projects with fish and wildlife plans of the state, irrespective of whether the state agrees to administer the project.

SEC. 2. Section 5094.2 of the Public Resources Code is amended to read:

5094.2. With respect to each project as to which a letter of intent has been given, the Resources Agency through the Department of Parks and Recreation and the Department of Fish and Game, in cooperation with affected local public agencies, shall conduct an investigation and study of the project with respect to the areas of interest of each and prepare plans of the proposed state participation therein. Such plans shall be submitted, upon request, to each affected local public agency for its review and comments thereon. Such comments shall be transmitted to the agency by the affected local public agency within such period as determined by the administrator, which period shall be not less than 30 days nor more than 60 days from the date of submission to the local public agency. The agency shall submit a report to the Governor and to the Legislature, which report shall contain such plans, a statement of the agency's determination that the proposed state participa-

tion therein is in compliance with comprehensive water, recreation, and fish and wildlife plans of the state, comments received with respect to such plans from each affected local public agency, and statements of the agency's determination that to the extent the state proposes to participate in the project, there is no local public agency willing and able to participate and that the state's participation alone or in cooperation with local agencies is justified on the basis of statewide importance.

SEC. 3. Section 5094.3 of the Public Resources Code is amended to read:

5094.3. Upon specific authorization of state participation by the Legislature:

(a) The Department of Parks and Recreation and the Department of Fish and Game may cooperate and participate with the federal government pursuant to Public Law 89-72 in the development of recreation and fish and wildlife enhancement at federal water projects. Where both the recreation and fish and wildlife enhancement functions are involved in a project the department having the principal interest as designated by the Administrator of the Resources Agency shall be the contracting agency with the federal government. In such case the contract shall be subject to approval of the other department.

(b) The departments may (1) administer unit land and water areas for recreation or fish and wildlife enhancement, or both, (2) contract with the federal government for the operation, maintenance, and replacement of unit facilities, (3) assume all costs of such operation, maintenance, and replacement, and (4) accept transfer of unit lands or facilities by lease or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation or fish and wildlife enhancement purposes, or both.

(c) The departments may enter into a contract or contracts with the federal government to pay or repay one-half of the separable capital costs involved in the development of the recreation or fish and wildlife enhancement features, or both, at the project pursuant to the provisions of Public Law 89-72, consistent with the reports provided for in Section 5094.2. The agreement for the payment or repayment of the separable capital costs shall be limited to those recreation or fish and wildlife enhancement facilities, or both, specified in the contract. Such payments or repayments may be made by any or all of the following methods: by legislative appropriation; by provision of lands, interests therein, or facilities for the project; or by a contract or contracts for repayment, with interest, within 50 years of first use of project recreation or fish and wildlife enhancement facilities specified in the contract or contracts. The source of repayment may be limited to entrance and user fees or charges collected at the project by the con-

tracting department if such fees or charges dedicated to repayment are established on a basis calculated to achieve repayment and are made subject to review and renegotiation at intervals of not more than five years. If the source of repayment is so limited, revenues derived from such fees or charges shall be deposited in a special account in the Special Deposit Fund in the State Treasury and used for the purpose of such repayment. If not so limited, the source of repayment shall be such appropriations of funds as may from time to time be made for such purpose by the Legislature.

CHAPTER 799

An act to amend Section 3440 of the Civil Code, and to amend Sections 1201, 2209, 2403, 3107, 3112, 3506, 5116, 6103, 7403, 7503, 7507, 7508, 8105, 8106, 8304, 8313, 8320, 9104, 9301, and 9302 of, and to add Sections 1209 and 2725 to, the Commercial Code, relating to commercial transactions.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 3440 of the Civil Code is amended to read:

3440. Every transfer of personal property and every lien on personal property made by a person having at the time the possession or control of the property, and not accompanied by an immediate delivery followed by an actual and continued change of possession of the things transferred, is conclusively presumed fraudulent and void as against the transferor's creditors while he remains in possession and the successors in interest of those creditors, and as against any person on whom the transferor's estate devolves in trust for the benefit of others than the transferor and as against purchasers or encumbrancers in good faith subsequent to the transfer.

This section shall not apply to any of the following:

(a) Things in action.

(b) Ships or cargoes at sea or in a foreign port.

(c) Security interests and the sale of accounts, contract rights or chattel paper governed by the Uniform Commercial Code, and contracts of bottomry or respondentia.

(d) Wines or brandies in the wineries, distilleries, or wine cellars of the makers or owners of the wines or brandies, or other persons having possession, care, and control of the wines or brandies, and the pipes, casks, and tanks in which the wines or brandies are contained, if the transfers are made in writing and executed and acknowledged, and if the transfers are recorded in the book of official records in the office of the

county recorder of the county in which the wines, brandies, pipes, casks, and tanks are situated.

(e) The transfer, or assignment, statutory or otherwise, made for the benefit of creditors generally or by any assignee acting under an assignment for the benefit of creditors generally, or to any security agreement made for the benefit of creditors generally.

(f) Property exempt from execution.

(g) Standing timber if the contract or grant in relation to the same is recorded as provided in Section 1220 of this code.

(h) A transfer of personal property if:

(1) Said personal property is leased back to the transferor immediately following said transfer.

(2) The transferor (lessee) or the transferee (lessor) records at least 10 days before the date of the transfer and leaseback in the office of the county recorder in the county or counties in which the personal property is situated, a notice of the intended transfer and leaseback which states the name and address of the transferor (lessee) and transferee (lessor). The notice shall contain a general statement of the character of the personal property intended to be transferred and leased back, and show the date when and place where the transaction is to be consummated.

(3) The transferor (lessee) or the transferee (lessor) publishes a copy of the notice pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the judicial district in which the personal property is situated, if there is one, and if there is none in the judicial district, then in a newspaper of general circulation in the county embracing the judicial district. The publication shall be completed not less than five days before the date of the intended transfer and leaseback.

This section shall not affect the rights of a secured party who acquires from the transferee or his successor a security interest in the personal property transferred if

1 The intended debtor or secured party records at least 10 days before the consummation of the security agreement in the office of the county recorder in the county or counties in which the personal property is situated, a notice of the transfer and intended security agreement which states the names and addresses of the transferor and transferee and of the intended debtor and secured party. The notice shall contain a general statement of the character of the personal property transferred and intended to be subject to the security interest, and show the date when and place where the security agreement is to be consummated, and

2. The intended debtor or secured party publishes a copy of the notice pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the judicial district in which the personal property is situated, if there is one, and if there is none in the judicial district, then in a news-

paper of general circulation in the county embracing the judicial district. The publication shall be completed not less than five days before the date of the intended security agreement.

Subdivision (2) of Section 2402 of the Commercial Code is not restricted by the provisions of this section.

SEC. 2. Section 1201 of the Commercial Code is amended to read:

1201. Subject to additional definitions contained in the subsequent divisions of this code which are applicable to specific divisions or chapters thereof, and unless the context otherwise requires, in this code:

(1) "Action" in the sense of a judicial proceeding includes recoupment, counterclaim, setoff, suit in equity and any other proceedings in which rights are determined.

(2) "Aggrieved party" means a party entitled to resort to a remedy.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this code (Sections 1205 and 2208). Whether an agreement has legal consequences is determined by the provisions of this code, if applicable; otherwise by the law of contracts (Section 1103). (Compare "contract.")

(4) "Bank" means any person engaged in the business of banking.

(5) "Bearer" means the person in possession of an instrument, document of title, or security payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and which, by its terms, evidences the intention of the issuer that the person entitled under the document (Section 7403(4)) has the right to receive, hold and dispose of the document and the goods it covers. Designation of a document by the issuer as a "bill of lading" is conclusive evidence of such intention. "Bill of lading" includes an airbill. "Airbill" means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the triers of fact that the existence of the fact is more probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not

include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a pre-existing contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous." A term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NONNEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous." Whether a term or clause is "conspicuous" or not is for decision by the court.

(11) "Contract" means the total legal obligation which results from the parties' agreement as affected by this code and any other applicable rules of law. (Compare "agreement.")

(12) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity and an executor or administrator of an insolvent debtor's or assignor's estate.

(13) "Defendant" includes a person in the position of defendant in a cross-action or counterclaim.

(14) "Delivery" with respect to instruments, documents of title, chattel paper or securities means voluntary transfer of possession.

(15) "Document of title" includes bill of lading, dock warrant, dock receipt, warehouse receipt, gin ticket, compress receipt, and also any other document which in the regular course of business or financing is treated as adequately evidencing that the person entitled under the document (Section 7403(4)) has the right to receive, hold and dispose of the document and the goods it covers. To be a document of title a document must purport to be issued by a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

(16) "Fault" means wrongful act, omission or breach.

(17) "Fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods which are not fungible shall be deemed fungible for the purposes of this code to the extent that under a particular agreement or document unlike units are treated as equivalents.

(18) "Genuine" means free of forgery or counterfeiting.

(19) "Good faith" means honesty in fact in the conduct or transaction concerned.

(20) "Holder" means a person who is in possession of a document of title or an instrument or an investment security drawn, issued or indorsed to him or to his order or to bearer or in blank.

(21) To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.

(22) "Insolvency proceedings" includes any assignment for the benefit of creditors or other proceedings intended to liquidate or rehabilitate the estate of the person involved.

(23) A person is "insolvent" who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due or is insolvent within the meaning of the federal bankruptcy law.

(24) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government as a part of its currency.

(25) A person has "notice" of a fact when

(a) He has actual knowledge of it; or

(b) He has received a notice or notification of it; or

(c) From all the facts and circumstances known to him at the time in question he has reason to know that it exists.

A person "knows" or has "knowledge" of a fact when he has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this code.

(26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when

(a) It comes to his attention; or

(b) It is duly delivered at the place of business through which the contract was made or at any other place held out by him as the place for receipt of such communications.

(27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to his attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(28) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(29) "Party," as distinct from "third party," means a person who has engaged in a transaction or made an agreement within this division.

(30) "Person" includes an individual or an organization. (See Section 1102.)

(32) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or reissue, gift or any other voluntary transaction creating an interest in property.

(33) "Purchaser" means a person who takes by purchase.

(34) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(35) "Representative" includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other person empowered to act for another.

(36) "Rights" includes remedies.

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (Section 2401) is limited in effect to a reservation of a "security interest." The term also includes any interest of a buyer of accounts, chattel paper, or contract rights which is subject to Division 9. The special property interest of a buyer of goods on identification of such goods to a contract for sale under Section 2501 is not a "security interest," but a buyer may also acquire a "security interest" by complying with Division 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest" but a consignment is in any event subject to the provisions on consignment sales (Section 2326). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease the lessee shall become or has the option to become the owner of the property for no additional consideration or for a nominal consideration does make the lease one intended for security.

(38) "Send" in connection with any writing or notice means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and in the case of an instrument to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of a proper sending.

(39) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(40) "Surety" includes guarantor.

(41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42) "Term" means that portion of an agreement which relates to a particular matter.

(43) "Unauthorized" signature or indorsement means one made without actual, implied or apparent authority and includes a forgery.

(44) "Value." Except as otherwise provided with respect to negotiable instruments and bank collections (Sections 3303, 4208 and 4209) a person gives "value" for rights if he acquires them

(a) In return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a chargeback is provided for in the event of difficulties in collection; or

(b) As security for or in total or partial satisfaction of a pre-existing claim; or

(c) By accepting delivery pursuant to a pre-existing contract for purchase; or

(d) Generally, in return for any consideration sufficient to support a simple contract.

(45) "Warehouse receipt" means a document evidencing the receipt of goods for storage issued by a warehouseman (Section 7102), and which, by its terms, evidences the intention of the issuer that the person entitled under the document (Section 7403(4)) has the right to receive, hold and dispose of the document and the goods it covers. Designation of a document by the issuer as a "warehouse receipt" is conclusive evidence of such intention.

(46) "Written" or "writing" includes printing, typewriting or any other intentional reduction to tangible form.

SEC. 2.5. Section 1209 is added to the Commercial Code, to read:

1209. An obligation may be issued as subordinated to payment of another obligation of the person obligated, or a creditor may subordinate his right to payment of an obligation by agreement with either the person obligated or another creditor of the person obligated. Such a subordination does not create a security interest as against either the common debtor or a subordinated creditor. This section shall be construed as declaring the law as it existed prior to the enactment of this section and not as modifying it.

SEC. 3. Section 2209 of the Commercial Code is amended to read:

2209. (1) An agreement modifying a contract within this division needs no consideration to be binding.

(2) A written contract within this division may only be modified by a written agreement or by an oral agreement fully executed by both parties.

(3) The requirements of the statute of frauds section of this division (Section 2201) must be satisfied if the contract as modified is within its provisions.

(4) Although an attempt at modification or rescission does not satisfy the requirements of subdivision (2) or (3) it can operate as a waiver.

(5) A party who has made a waiver affecting an executory portion of the contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

SEC. 4. Section 2403 of the Commercial Code is amended to read:

2403. (1) A purchaser of goods acquires all title which his transferor had or had power to transfer except that a purchaser of a limited interest acquires rights only to the extent of the interest purchased. A person with voidable title has power to transfer a good title to a good faith purchaser for value. When goods have been delivered under a transaction of purchase the purchaser has such power even though

(a) The transferor was deceived as to the identity of the purchaser, or

(b) The delivery was in exchange for a check which is later dishonored, or

(c) It was agreed that the transaction was to be a "cash sale," or

(d) The delivery was procured through fraud punishable as larcenous under the criminal law.

(2) Any entrusting of possession of goods to a merchant who deals in goods of that kind gives him power to transfer all rights of the entruster to a buyer in ordinary course of business.

(3) "Entrusting" includes any delivery and any acquiescence in retention of possession for the purpose of sale, obtaining offers to purchase, locating a buyer, or the like; regardless of any condition expressed between the parties to the delivery or acquiescence and regardless of whether the procurement of the entrusting or the possessor's disposition of the goods have been such as to be larcenous under the criminal law.

(4) The rights of other purchasers of goods and of lien creditors are governed by the divisions on secured transactions (Division 9), bulk transfers (Division 6) and documents of title (Division 7).

SEC. 5. Section 2725 is added to the Commercial Code, to read:

2725. (1) An action for breach of any contract for sale must be commenced within four years after the cause of action has accrued. By the original agreement the parties may reduce the period of limitation to not less than one year but may not extend it.

(2) A cause of action accrues when the breach occurs, regardless of the aggrieved party's lack of knowledge of the breach. A breach of warranty occurs when tender of delivery is made, except that where a warranty explicitly extends to future performance of the goods and discovery of the breach must await the time of such performance the cause of action accrues when the breach is or should have been discovered.

(3) Where an action commenced within the time limited by subdivision (1) is so terminated as to leave available a remedy by another action for the same breach such other action may be commenced after the expiration of the time limited and within six months after the termination of the first action unless the termination resulted from voluntary discontinuance or from dismissal for failure or neglect to prosecute.

(4) This section does not alter the law on tolling of the statute of limitations nor does it apply to causes of action which have accrued before this code becomes effective.

SEC. 6. Section 3107 of the Commercial Code is amended to read:

3107. (1) An instrument is payable in money if the medium of exchange in which it is payable is money at the time the instrument is made. An instrument payable in "currency" or "current funds" is payable in money.

(2) A promise or order to pay a sum stated in a foreign currency is for a sum certain in money and, unless a different medium of payment is specified in the instrument, may be satisfied by payment of that number of dollars which the stated foreign currency will purchase at the buying sight rate for that currency on the day on which the instrument is payable or, if payable on demand, on the day of demand. If such an instrument specifies a foreign currency as the medium of payment the instrument is payable in that currency.

SEC. 7. Section 3112 of the Commercial Code is amended to read:

3112. (1) The negotiability of an instrument is not affected by

(a) The omission of a statement of any consideration or of the place where the instrument is drawn or payable; or

(b) A statement that collateral has been given to secure obligations either on the instrument or otherwise of an obligor on the instrument or that in the case of default on those obligations the holder may realize on or dispose of the collateral; or

(c) A promise or power to maintain or protect collateral, to furnish financial information or to do so or refrain from doing any other act for the protection of the obligation expressed in the instrument not involving the payment of money on account of the indebtedness evidenced by the instrument; or

(d) A term authorizing a confession of judgment on the instrument if it is not paid when due; or

(e) A term purporting to waive the benefit of any law intended for the advantage or protection of any obligor; or

(f) A term in a draft providing that the payee by indorsing or cashing it acknowledges full satisfaction of an obligation of the drawer; or

(g) A statement in a draft drawn in a set of parts (Section 3801) to the effect that the order is effective only if no other part has been honored.

(2) Nothing in this section shall validate any term which is otherwise illegal.

SEC. 8. Section 3506 of the Commercial Code is amended to read:

3506. (1) Acceptance may be deferred without dishonor until the close of the next business day following presentment. The holder may also in a good faith effort to obtain acceptance and without either dishonor of the instrument or discharge of secondary parties allow postponement of acceptance for an additional business day.

(2) Except as a longer time is allowed in the case of documentary drafts drawn under a letter of credit, and unless an earlier time is agreed to by the party to pay, payment of an instrument may be deferred without dishonor pending reasonable examination to determine whether it is properly payable, but payment must be made in any event before the close of business on the day of presentment.

SEC. 9. Section 5116 of the Commercial Code is amended to read:

5116. (1) The right to draw under a credit can be transferred or assigned only when the credit is expressly designated as transferable or assignable.

(2) Even though the credit specifically states that it is nontransferable or nonassignable the beneficiary may before performance of the conditions of the credit assign his right to proceeds. Such an assignment is an assignment of a contract right under Division 9 on secured transactions and is governed by that division except that

(a) The assignment is ineffective until the letter of credit or advice of credit is delivered to the assignee which delivery constitutes perfection of the security interest under Division 9; and

(b) The issuer may honor drafts or demands for payment drawn under the credit until it receives a notification of the assignment signed by the beneficiary which reasonably identifies the credit involved in the assignment and contains a request to pay the assignee; and

(c) After what reasonably appears to be such a notification has been received the issuer may without dishonor refuse to accept or pay even to a person otherwise entitled to honor until the letter of credit or advice of credit is exhibited to the issuer.

(3) Except where the beneficiary has effectively assigned his right to draw or his right to proceeds, nothing in this sec-

tion limits his right to transfer or negotiate drafts or demands drawn under the credit.

SEC. 10. Section 6103 of the Commercial Code is amended to read:

6103. The following transfers are not subject to this division:

(1) Those made to give

(a) A purchase money security interest (Section 9107);

(b) A security interest in or to inventory consisting of durable goods having a unit retail value of at least five hundred dollars ($500) or motor vehicles, house trailers, trailers, semitrailers, farm and construction machinery and repair parts thereof, or aircraft; or

(c) A security interest in the inventory of a wholesale merchant;

(2) Assignments for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder;

(3) Transfers of property subject to a lien or other security interest in settlement or realization of such lien or other security interest, if there was compliance with this division in connection with the creation of such lien or security interest or such creation was exempt from compliance with this division;

(4) Sales by executors, administrators, receivers, trustees in bankruptcy, or any public officer under judicial process;

(5) Sales made in the course of judicial or administrative proceedings for the dissolution or reorganization of a corporation and of which notice is sent to the creditors of the corporation pursuant to order of the court or administrative agency;

(6) Transfers of property which is exempt from execution;

(7) The transfer of goods in a warehouse where a warehouse receipt has been issued therefor by a warehouseman (Section 7102) and a copy of such receipt is kept at the principal place of business of the warehouseman and at the warehouse in which said goods are stored.

SEC. 11. Section 7403 of the Commercial Code is amended to read:

7403. (1) The bailee must deliver the goods to a person entitled under the document who complies with subdivisions (2) and (3), unless and to the extent that the bailee establishes any of the following:

(a) Delivery of the goods to a person whose receipt was rightful as against the claimant;

(b) Damage to or delay, loss or destruction of the goods for which the bailee is not liable, but the burden of establishing negligence in case of damage or destruction by fire is on the person entitled under the document;

(c) Previous sale or other disposition of the goods in lawful enforcement of a lien or on warehouseman's lawful termination of storage;

(d) The exercise by a seller of his right to stop delivery pursuant to the provisions of the division on sales (Section 2705);

(e) A diversion, reconsignment or other disposition pursuant to the provisions of this division (Section 7303) or tariff regulating such right;

(f) Release, satisfaction or any other fact affording a personal defense against the claimant;

(g) Any other lawful excuse.

(2) A person claiming goods covered by a document of title must satisfy the bailee's lien where the bailee so requests or where the bailee is prohibited by law from delivering the goods until the charges are paid.

(3) Unless the person claiming is one against whom the document confers no right under subdivision (1) of Section 7503, he must surrender for cancellation or notation of partial deliveries any outstanding negotiable document covering the goods, and the bailee must cancel the document or conspicuously note the partial delivery thereon or be liable to any person to whom the document is duly negotiated.

(4) "Person entitled under the document" means holder in the case of a negotiable document, or the person to whom delivery is to be made by the terms of or pursuant to written instructions under a nonnegotiable document.

SEC. 12. Section 7503 of the Commercial Code is amended to read:

7503. (1) A document of title confers no right in goods against a person who before issuance of the document had a legal interest or a perfected security interest in them and who neither

(a) Delivered nor entrusted them nor any document of title covering them to the bailor or his nominee with actual or apparent authority to ship, store or sell or with power to obtain delivery under this division (Section 7403) or with power of disposition under this code (Sections 2403 and 9307) or other statute or rule of law, nor

(b) Acquiesced in the procurement by the bailor or his nominee of any document of title.

(2) Title to goods based upon a bill of lading issued to a freight forwarder is subject to the rights of anyone to whom a bill issued by the freight forwarder is duly negotiated; but delivery by the carrier in accordance with Chapter 4 of this division pursuant to its own bill of lading discharges the carrier's obligation to deliver.

SEC. 13. Section 7507 of the Commercial Code is amended to read:

7507. Where a person negotiates or transfers a document of title for value otherwise than as a mere intermediary under the next following section, then unless otherwise agreed he warrants to his immediate purchaser only in addition to any warranty made in selling the goods

(a) That the document is genuine; and

(b) That he has no knowledge of any fact which would impair its validity or worth; and

(c) That his negotiation or transfer is rightful and fully effective with respect to the title to the document and the goods it represents.

SEC. 14. Section 7508 of the Commercial Code is amended to read:

7508. A collecting bank or other intermediary known to be entrusted with documents on behalf of another or with collection of a draft or other claim against delivery of documents warrants by such delivery of the documents only its own good faith and authority. This rule applies even though the intermediary has purchased or made advances against the claim or draft to be collected.

SEC. 15. Section 8105 of the Commercial Code is amended to read:

8105. (1) Securities governed by this division are negotiable instruments.

(2) In any action on a security

(a) Unless specifically denied in the pleadings, each signature on the security or in a necessary indorsement is admitted;

(b) When the effectiveness of a signature is put in issue the burden of establishing it is on the party claiming under the signature but the signature is presumed to be genuine or authorized;

(c) When signatures are admitted or established production of the instrument entitles a holder to recover on it unless the defendant establishes a defense or a defect going to the validity of the security; and

(d) After it is shown that a defense or defect exists the plaintiff has the burden of establishing that he or some person under whom he claims is a person against whom the defense or defect is ineffective (Section 8202).

SEC. 16. Section 8106 of the Commercial Code is amended to read:

8106. The validity of a security and the duty of an issuer to register a transfer (Section 8401) are governed by the law of the jurisdiction of organization of the issuer or, in the case of any national bank or other corporation organized under the laws of the United States, by the law of the jurisdiction in which such bank or other corporation has its principal place of business. (See Section 8107)

SEC. 17. Section 8304 of the Commercial Code is amended to read:

8304. (1) A purchaser (including a broker for the seller or buyer but excluding an intermediary bank) of a security is charged with notice of adverse claims if

(a) The security whether in bearer or registered form has been indorsed "for collection" or "for surrender" or for some other purpose not involving transfer; or

(b) The security is in bearer form and has on it an unambiguous statement that it is the property of a person other

than the transferor. The mere writing of a name on a security is not such a statement.

(2) The fact that the purchaser (including a broker for the seller or buyer) has notice that the security is held for a third person or is registered in the name of or indorsed by a fiduciary does not create a duty of inquiry into the rightfulness of the transfer or constitute notice of adverse claims. If, however, the purchaser (excluding an intermediary bank) has knowledge that the proceeds are being used or that the transaction is for the individual benefit of the fiduciary or otherwise in breach of duty, the purchaser is charged with notice of adverse claims.

SEC. 18. Section 8313 of the Commercial Code is amended to read:

8313. (1) Delivery to a purchaser occurs when

(a) He or a person designated by him acquires possession of a security; or

(b) His broker acquires possession of a security specially indorsed to or issued in the name of the purchaser; or

(c) His broker sends him confirmation of the purchase and also by book entry or otherwise identifies a specific security in the broker's possession as belonging to the purchaser; or

(d) With respect to an identified security to be delivered while still in the possession of a third person when that person acknowledges that he holds for the purchaser; or

(e) Appropriate entries on the books of a clearing corporation are made under Section 8320.

(2) The purchaser is the owner of a security held for him by his broker, but is not the holder except as specifed in paragraphs (b), (c) and (e) of subdivision (1) of this section. Where a security is part of a fungible bulk the purchaser is the owner of a proportionate property interest in the fungible bulk.

(3) Notice of an adverse claim received by the broker or by the purchaser after the broker takes delivery as a holder for value is not effective either as to the broker or as to the purchaser. However, as between the broker and the purchaser the purchaser may demand delivery of an equivalent security as to which no notice of an adverse claim has been received.

SEC. 19. Section 8320 of the Commercial Code is amended to read:

8320. (1) If a security

(a) Is in the custody of a clearing corporation or of a custodian bank or a nominee of either subject to the instructions of the clearing corporation; and

(b) Is in bearer form or indorsed in blank by an appropriate person or registered in the name of the clearing corporation or custodian bank or a nominee of either; and

(c) Is shown on the account of a transferor or pledgor on the books of the clearing corporation;

then, in addition to other methods, a transfer or pledge of the security or any interest therein may be effected by the making

of appropriate entries on the books of the clearing corporation reducing the account of the transferor or pledgor and increasing the account of the transferee or pledgee by the amount of the obligation or the number of shares or rights transferred or pledged.

(2) Under this section entries may be with respect to like securities or interests therein as a part of a fungible bulk and may refer merely to a quantity of a particular security without reference to the name of the registered owner, certificate or bond number or the like and, in appropriate cases, may be on a net basis taking into account other transfers or pledges of the same security.

(3) A transfer or pledge under this section has the effect of a delivery of a security in bearer form or duly indorsed in blank (Section 8301) representing the amount of the obligation or the number of shares or rights transferred or pledged and if a pledge or the creation of a security interest is intended, the making of entries has the effect of a taking of delivery by the pledgee or a secured party (Sections 9304 and 9305). A transferee or pledgee under this section is a holder.

(4) A transfer or pledge under this section does not constitute a registration of transfer under Chapter 4 of this division.

(5) That entries made on the books of the clearing corporation as provided in subdivision (1) are not appropriate does not affect the validity or effect of the entries nor the liabilities or obligations of the clearing corporation to any person adversely affected thereby.

SEC. 20. Section 9104 of the Commercial Code is amended to read:

9104. This division does not apply

(a) To a security interest subject to any statute of the United States such as the Ship Mortgage Act, 1920, to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or

(c) To a lien given by statute or other rule of law for services or materials except as provided in Section 9310 on priority of such liens; or

(d) To a transfer of a claim for wages, salary or other compensation of an employee; or

(e) To an equipment trust covering railway rolling stock; or

(f) To a sale of accounts, contract rights or chattel paper as part of a sale of the business out of which they arose, or an assignments of accounts, contract rights or chattel paper which is for the purpose of collection only, or a transfer of a contract right to an assignee who is also to do the performance under the contract; or

(g) To any loan made by an insurance company pursuant to the provisions of a policy or contract issued by it and upon the sole security of such policy or contract; or

(h) To a right represented by a judgment; or

(i) To any right of setoff; or to a security interest of a bank, savings and loan association, credit union or like organization in any deposit, savings, passbook or like account maintained with such organization; or

(j) To the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or

(k) To a transfer in whole or in part of any claim arising out of tort.

(*l*) To any security interest created by the state, any county, city and county, city, municipal corporation, public district, public authority, or any subdivision, zone, agency or instrumentality of any of the foregoing.

SEC. 21. Section 9301 of the Commercial Code is amended to read:

9301. (1) Except as otherwise provided in subdivision (2), an unperfected security interest is subordinate to the rights of

(a) Persons entitled to priority under Section 9312;

(b) A person who becomes a lien creditor after the security interest attaches and before it is perfected unless the security interest is perfected within 10 days after it attaches and a person who becomes a lien creditor before the security interest attaches;

(c) In the case of goods, instruments, documents, and chattel paper, a person who is not a secured party and who is a transferee in bulk or other buyer not in ordinary course of business to the extent that he gives value and receives delivery of the collateral without knowledge of the security interest and before it is perfected;

(d) In the case of accounts, contract rights, and general intangibles, a person who is not a secured party and who is a transferee to the extent that he gives value without knowledge of the security interest and before it is perfected.

(2) If the secured party files with respect to a purchase money security interest before or within 10 days after the collateral comes into possession of the debtor, he takes priority over the rights of a transferee in bulk or other buyer not in the ordinary course of business which arise between the time the security interest attaches and the time of filing.

(3) A "lien creditor" means a creditor who has acquired a lien on the property involved by attachment, levy or the like and includes an assignee for benefit of creditors from the time of assignment, and a trustee in bankruptcy from the date of the filing of the petition or a receiver in equity from the time of appointment.

SEC. 22. Section 9302 of the Commercial Code is amended to read:

9302. (1) A financing statement must be filed to perfect all security interests except the following:

(a) A security interest in collateral in possession of the secured party under Section 9305;

(b) A security interest temporarily perfected in instruments or documents without delivery under Section 9304 or in proceeds for a 10-day period under Section 9306;

(c) A purchase money security interest in farm equipment having a purchase price not in excess of two thousand five hundred dollars ($2,500); but compliance with subdivision (4) is required for a motor vehicle required to be registered;

(d) A purchase money security interest in consumer goods; but compliance with subdivision (4) is required for a motor vehicle or boat required to be registered;

(f) A security interest of a collecting bank (Section 4208) or arising under the division on sales (see Section 9113) or covered in subdivision (3) of this section;

(g) A security interest in general intangibles; provided, however, that as between bona fide assignees for value without notice of the same general intangible consisting of any right to payment, the assignee first giving notice thereof to the account debtor in writing shall have priority, but the assignment of such general intangible shall not be of itself notice to the account debtor so as to invalidate any payments made by him to the transferor;

(h) Assignments for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder.

(2) If a secured party assigns a perfected security interest, no filing under this division is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing provisions of this division do not apply to a security interest

(a) In property subject to a statute of the United States which provides for a national registration or filing of all security interests in such property; or

(b) In a vehicle required to be registered under the Vehicle Code, unless such vehicle is inventory, or in a boat required to be registered under the Harbors and Navigation Code, unless such boat is inventory.

(4) A security interest in property subject to a statute of the United States which provides for national registration or filing of all security interests in such property may be perfected only by filing or registration under such statute. A security interest in a vehicle required to be registered under the Vehicle Code which is not inventory may be perfected only as provided in the Vehicle Code. A security interest in a boat required to be registered under the Harbors and Navigation Code which is not inventory may be perfected only as provided in the Harbors and Navigation Code.

CHAPTER 800

An act to amend Section 1622.5 of the Revenue and Taxation Code, relating to tax appeals boards.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 1622.5 of the Revenue and Taxation Code is amended to read:

1622.5. In any county in which two or more boards have been created and are functioning:

(a) The clerk of the tax appeals boards may assign a member from one board to serve temporarily as a member of another board in order to complete a quorum, and

(b) The board of supervisors may appoint an alternate member for each board. Whenever any regular member of a board is temporarily unable to act as a member of the board, the alternate member may sit on the board and shall have the same authority to act as a regular member.

In any county in which one board has been created and is functioning the board of supervisors may appoint an alternate member for the board. Whenever any regular member of the board is temporarily unable to act as a member of the board, the alternate member may sit on the board and shall have the same authority to act as a regular member.

CHAPTER 801

An act to amend Section 665 and 11715 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 665 of the Vehicle Code is amended to read:

665. A "used vehicle" is a vehicle that has been sold and operated on the highways of this state, or has been registered with the department, or has been sold and operated upon the highways, or has been registered with the appropriate agency of authority, of any other state, District of Columbia, territory or possession of the United States or foreign state, province or country, or unregistered vehicles regularly used or operated as demonstrators in the sales work of a dealer or unregistered vehicles regularly used or operated by a manufacturer in the sales or distribution work of such manufacturer. The word "sold" shall not be deemed to include or

extend to any sale made by a manufacturer or a distributor to a dealer or by a dealer to another dealer licensed under this code.

SEC. 2. Section 11715 of the Vehicle Code is amended to read:

11715. (a) A manufacturer or dealer owning or lawfully possessing any vehicle of a type otherwise required to be registered hereunder may operate or move the same upon the highways without registering each such vehicle upon condition that any such vehicle display thereon special plates issued to such owner as provided in this chapter, in addition to other license plates or permits already assigned and attached to the vehicle in the manner prescribed in Sections 5200 to 5203, inclusive. Such vehicles may also be moved or operated for the purpose of towing or transporting by any lawful method other vehicles.

(b) A transporter may operate or move any owned or lawfully possessed vehicle of like type by any lawful method upon the highways solely for the purpose of delivery upon condition that there be displayed upon each vehicle in contact with the highway special license plates issued to such transporter as provided in this chapter, in addition to any license plates or permits already assigned and attached to the vehicle in the manner prescribed in Sections 5200 to 5203, inclusive. Such vehicles may be used for the purpose of towing or transporting by any lawful method other vehicles when the towing or transporting vehicle is being delivered for sale or to the owner thereof.

(c) The provisions of this section do not apply to any manufacturer, transporter or dealer operating or moving a vehicle as provided in Section 11716.

(d) The provisions of this section do not apply to work or service vehicles owned by a manufacturer, transporter or dealer. They do not apply to vehicles owned and leased by dealers, except those vehicles rented or leased to vehicle salesmen in the course of their employment for purposes of display or demonstration, nor to any unregistered vehicles used to transport more than one load of other vehicles for the purpose of sale.

(e) The provisions of this section do not apply to vehicles currently registered in this state which are owned and operated by a licensed dealer when the notice of transfer has been forwarded to the department by the former owner of record pursuant to Section 5900 and when a copy of the notice is displayed in the same manner as is required of registration certificates.

CHAPTER 802

An act to amend Section 71080 of the Government Code, relating to municipal and justice courts.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 71080 of the Government Code is amended to read:

71080. After January 1, 1952, upon the establishment of a municipal or justice court, the judges of existing courts inferior to the superior court in any city, township, or judicial subdivision situated wholly or partly in the district or city and county for which a municipal or justice court is established shall, if eligible, become the judges of such municipal or justice court until the election or appointment and qualification of their successors. The time for election and qualification of their successors shall be that previously fixed for the election and qualification of their successors for the court and office superseded, had such courts not been superseded, but in no event shall any such election of successors be held within 10 months of succession to the office of the new court. If the number of eligible incumbent judges who have not filed a written statement with the county clerk disclaiming their desire to succeed to office exceeds the number of judicial offices provided by law for such municipal or justice court, such incumbents shall not automatically succeed to judicial positions in the municipal or justice court, and the existing courts shall continue to function within the district until the first judge or judges of such municipal or justice courts are elected by the qualified electors of the district at the first general state election held following the expiration of 90 days and qualify.

CHAPTER 803

An act to amend Section 5093 of the Penal Code, relating to correctional institutions.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 5093 of the Penal Code is amended to read:

5093. No enterprise subject to the jurisdiction of the Correctional Industries Commission as defined in Section 5090, except the manufacture of motor vehicle license plates or

similar devices for the State Department of Motor Vehicles and the production of cloth for the use of the state or any political subdivision thereof as provided in Sections 2701 and 2703, shall in any event be conducted beyond the maximum gross annual production provided for in Section 5091. It is further provided that gross annual production by the textile mill shall not exceed one million five hundred thousand dollars ($1.500,000) value. All raw cotton required for the operation of the mill shall be produced and purchased in California. However, supplementary cotton yarn or synthetic yarn or fiber may be purchased for the mill, from sources without, as well as sources within, this state as needed to meet the requirements of public agencies.

CHAPTER 804

An act to amend Sections 73562, 73563, 73563.1, 74222, 74223, and 74223.1 of the Government Code, relating to municipal courts.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 73562 of the Government Code is amended to read:

73562. There shall be one clerk who shall receive a monthly salary at the rate specified in range 35 of the salary schedule provided in Section 73563.1.

SEC. 2. Section 73563 of the Government Code is amended to read:

73563. The clerk may appoint:

One deputy clerk grade V who shall receive a monthly salary at the rate specified in range 28 of the salary schedule provided in Section 73563.1.

Four deputy clerks grade IV who shall receive a monthly salary at the rate specified in range 26 of the salary schedule provided in Section 73563.1.

One deputy clerk grade III who shall receive a monthly salary at the rate specified in range 25 of the salary schedule provided in Section 73563.1.

One deputy clerk grade II who shall receive a monthly salary at the rate specified in range 24 of the schedule provided in Section 73563.1.

Eight deputy clerks grade I who shall receive a monthly salary at the rate specified in range 22 of the salary schedule provided in Section 73563.1.

SEC. 3. Section 73563.1 of the Government Code is amended to read:

73363.1. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of monthly salaries shall apply:

Range number	Step 1	Step 2	Step 3	Step 4	Step 5
21	$325	$342	$361	$380	$401
22	342	361	380	401	423
23	361	380	401	423	446
24	380	401	423	446	470
25	401	423	446	470	496
26	423	446	470	496	523
27	446	470	496	523	552
28	470	496	523	552	583
29	496	523	552	583	615
30	523	552	583	615	649
31	552	583	615	649	685
32	583	615	649	685	723
33	615	649	685	723	763
34	649	685	723	763	806
35	685	723	763	806	851
36	723	763	806	851	899
37	763	806	851	899	949

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first 12 months of service, receive the rate of monthly compensation specified in the first step of the salary range for the position to which he is appointed On and after the first day of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step 5 of such range.

SEC. 4. Section 74222 of the Government Code is amended to read:

74222. There shall be one clerk who shall receive a monthly salary at the rate specified in range 35 of the salary schedule provided in Section 74223.1.

SEC. 5. Section 74223 of the Government Code is amended to read:

74223. The clerk may appoint:

One deputy clerk grade V who shall receive a monthly salary at the rate specified in range 28 of the salary schedule provided in Section 74223.1.

Four deputy clerks grade IV who shall receive a monthly salary at the rate specified in range 26 of the salary schedule provided in Section 74223 1.

One deputy clerk grade III who shall receive a monthly salary at the rate specified in range 25 of the salary schedule provided in Section 74223.1.

One deputy clerk grade II who shall receive a monthly salary at the rate specified in range 24 of the salary schedule provided in Section 74223.1.

Seven deputy clerks grade I who shall receive a monthly salary at the rate specified in range 22 of the salary schedule provided in Section 74223.1.

SEC. 6. Section 74223.1 of the Government Code is amended to read:

74223.1. Whenever reference to numbered salary range is made in any section of this article, the following schedule of monthly salaries shall apply:

Range number	Step 1	Step 2	Step 3	Step 4	Step 5
21	$325	$342	$361	$380	$401
22	342	361	380	401	423
23	361	380	401	423	446
24	380	401	423	446	470
25	401	423	446	470	496
26	423	446	470	496	523
27	446	470	496	523	552
28	470	496	523	552	583
29	496	523	552	583	615
30	523	552	583	615	649
31	552	583	615	649	685
32	583	615	649	685	723
33	615	649	685	723	763
34	649	685	723	763	806
35	685	723	763	806	851
36	723	763	806	851	899
37	763	806	851	899	949

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall for the first 12 months of service, receive the rate of monthly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step 5 of such range.

CHAPTER 805

An act to maintain the Education Code by repealing Chapter 1238 of the Statutes of 1965, relating to public schools.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Chapter 1238 of the Statutes of 1965 is repealed. The repeal made by this section shall not affect the existence or validity of Section 17666.2 of the Education Code, as amended by Chapter 1876 of the Statutes of 1965.

CHAPTER 806

An act to add Article 10.2 (commencing with Section 69993) to Chapter 5, Title 8 of the Government Code, relating to salaries of superior court official reporters.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Article 10.2 (commencing with Section 69993) is added to Chapter 5, Title 8 of the Government Code, to read:

Article 10.2. Official Reporters in Counties With a Population of 240,000 to 260,000

69993. In a county whose population, as determined by the 1960 federal census, is in excess of 240,000 but less than 260,000, the salary paid official reporters of the superior court, shall be deemed for retirement purposes, to include the total of all per diem and transcription fees paid by the county in all matters to all of the reporters of the superior court for all phonographic reporting services, divided by the number of superior court official reporters provided, however, that such amount shall not exceed an equivalent of six hundred dollars ($600) per month.

CHAPTER 807

An act to amend Sections 55407, 55602, 55603, 55604, 55606, 55742, 55743, 56107, 56161, 56181, 56189, 56272, 56274, 56331, and 56608 of, and to add Sections 55560, 55561

55604.1, 55604.2, 55879, 56231, and 56232 to, the Agricultural Code, as proposed by Senate Bill No. 1, relating to agricultural produce dealers and processors.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 55407 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

55407. "Processor" means any person that is engaged in the business of processing or manufacturing any farm product, that solicits, buys, contracts to buy, or otherwise takes title to, or possession or control of, any farm product from the producer of the farm product for the purpose of processing or manufacturing it and selling, reselling, or redelivering it in any dried, canned, extracted, fermented, distilled, frozen, eviscerated, or other preserved or processed form. It does not, however, include any retail merchant that has a fixed or established place of business in this state and does not sell at wholesale any farm product which is processed or manufactured by him.

SEC. 2. Section 55560 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

55560. Should any bond issued pursuant to Section 55551 filed in support of an application for processor's license, be canceled by either principal or surety during the license period covered by the bond, then the processor's license supported by such bond shall stand suspended until a new bond is received by the director to replace the canceled bond. If the bond so received fails to provide continuous coverage from the cancellation date of the previous bond, then a new application and fee shall be filed.

SEC. 2.1. Section 55561 is added to the Agricultural Code, as proposed by Senate Bill No. 1 to read:

55561. Surety shall be liable for the default of the principal for all farm products purchased by a processor during each license period covered by the bond.

SEC. 3. Section 55602 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

55602. Every processor except a licensed winegrower, that purchases for freezing any farm product from the producer of the farm product on a packout basis shall promptly upon completion of the processing of each lot or day's delivery inform the producer of the results obtained.

SEC. 4. Section 55603 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

55603. If a specific grade or quality is a condition of a packout basis contract between the producer and the processor, such grade or quality shall be determined at the completion of the processing.

SEC. 5. Section 55604 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

55604. Every contract between a processor and a producer which covers the purchase of any farm product on a packout basis shall designate the price to be paid for each grade purchased.

SEC. 6. Section 55604.1 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

55604.1. Where the processor is operating under continuous United States Department of Agriculture inspection, the United States Department of Agriculture grade determination shall be accepted as final in accounting to the producer.

Where the processor is not operating under continuous United States Department of Agriculture inspection, any dispute as to grade shall be settled by lot inspection to be made by the United States Department of Agriculture. In the event any lot is shipped within 30 days of processing, the processor shall draw representative samples in accordance with United States Department of Agriculture sampling procedures, and the samples shall be held for a period of not less than 30 days from the date of processing for the inspection if necessary.

SEC. 7. Section 55604.2 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

55604.2. The provisions of Section 55581 of the Agricultural Code and Section 12713 of the Business and Professions Code do not apply to farm products purchased and accounted for on a packout basis, pursuant to this section.

SEC. 8. Section 55606 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

55606. If the processor has entered into a contract with two or more producers or consignors, which provides that the returns for any farm product which is handled and sold for the account of such producers or consignors shall be pooled on a definite basis as to grade or quality, or both, during a specific period of time, then the processor shall render a true account of sale which shows the net average pool return on each grade and quality from the sales that are made, which shows in detail all charges in connection with the handling, processing, and selling of such farm product. The processor shall keep a correct record of such sales and charges.

SEC. 9. Section 55742 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

55742. Except as otherwise provided in Section 55743 or 55744, if the complaint is a bona fide dispute which involves any of the following, the director shall have no jurisdiction to act upon such complaint if the processor within 10 days after the filing of such verified complaint has notified the director of his election to submit such dispute to arbitration in accordance with the provisions of a written contract:

(a) The rejection of any farm product.

(b) The failure or refusal to accept and pay for any farm product which is bought or contracted to be bought from a producer by a processor.

(c) The failure or refusal by the processor to furnish or provide boxes or other containers, or hauling, harvesting, or any other service which is contracted to be done by the processor in connection with the acceptance, harvesting, or other handling of the farm product.

SEC. 10. Section 55743 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

55743. The jurisdiction which is otherwise reserved to the director in this chapter is, however, restored for the purposes of this chapter if the arbitrators, without reasonable cause, fail, refuse, or neglect to adjudicate the matter of dispute within 90 days from the date of such notification to the director.

SEC. 11. Section 55879 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

55879. It is a violation of this chapter if the applicant or licensee has failed or refused to render a true and correct account of sales or make settlement thereon or to pay for farm products received on consignment within the time and in the manner required by this chapter.

SEC. 12. Section 56107 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

56107. "Dealer" means any person, except a cash buyer, that obtains from the producer title, possession, control, or delivery of any farm product at a designated price for the purpose of resale or that buys or agrees to buy any farm product from the producer of the farm product at a designated price.

SEC. 13. Section 56161 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

56161. This chapter does not apply to or include any of the following:

(a) Any nonprofit cooperative association which is organized and operating pursuant to Chapter 1 (commencing with Section 54001) of this division or similar law of any other state, the District of Columbia, or the United States, or the agents of such organizations in the performance of their duties as such, except as to that portion of the activities of such organization, or agent, which involves the handling or dealing in any farm product of any nonmember of such organization.

(b) Any person or exchange that buys, receives, or otherwise handles any farm product as a processor, as that term is defined in Section 55407.

(c) Any retail merchant that has a fixed or established place of business in this state. This exemption of retail merchants does not, however, apply to retail merchants that also are engaged in the business of selling at wholesale any farm product which is purchased from a producer or to any trans-

action wherein possession of any farm product is obtained from a producer and the farm product is sold to another person without being handled in the regular course of a retail business which is conducted at a fixed and established place of business.

(d) Any person that is licensed as a slaughterer pursuant to Article 2 (commencing with Section 22031), of Chapter 10, Division 10 of this code if the livestock which are handled by such slaughterer are slaughtered at the place of business of the slaughterer. Any slaughterer that handles livestock upon a consignment basis is not, however, exempt from the bonding provisions of this chapter.

(e) Any person that buys any farm product for his own use or consumption.

(f) Any person, not otherwise required to be licensed pursuant to this chapter, that buys or otherwise acquires possession of any farm product from a nonprofit cooperative association to which subdivision (a) of this section is applicable.

SEC. 14. Section 56184 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

56184. In addition to the general requirements which are applicable to all classes of applications as set forth in this article, the following requirements shall apply to the class of applications which is designated:

(a) Each application for a commission merchant's license shall include a complete schedule of commissions not to exceed 20 percent of the gross sale price of the farm product, together with an itemized listing of all charges for all services. Such designated commissions and charges shall not be changed or varied for the license period except by written contract between the parties. If changed by a written contract, such charges shall be clearly set forth in detail in such written contract and a copy of the contract filed with the director. Any services which are rendered for which charges are made, if not listed in the schedule on the application, shall be rendered on a strictly cost basis.

(b) Each application for an agent's license shall include such information as the director may consider proper or necessary, and shall include the name and address of applicant, and the name and address of the commission merchant, dealer, broker, or cash buyer that is represented or sought to be represented by the agent, and the written endorsement or nomination of such commission merchant, dealer, broker, or cash buyer.

SEC. 15. Section 56189 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

56189. Any person adjudged a bankrupt, or any person against whose bondsman or bondsmen a claim or claims have been collected by the director pursuant to any provision of this chapter or Chapter 6 (commencing with Section 55401) of this division or any cash buyer or unbonded processor

against whom claims have been filed and adjudicated, and that has not made full settlement with all producer-creditors, shall not be licensed by the director as a principal for four years from the date of such adjudication or collection.

SEC. 16. Section 56231 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

56231. Should any bond issued pursuant to Section 56221 in support of applications for commission merchant's or dealer's license, be canceled by either principal or surety during the license period covered by the bond, then the commission merchant's or dealer's license supported by such bond shall stand suspended until a new bond is received by the director to replace the canceled bond. If the bond so received fails to provide continuous coverage from the date of cancellation of the previous bond, then new license applications and fees shall be filed.

SEC. 16.1. Section 56232 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

56232. Surety shall be liable for the default of the principal for all farm products purchased by a dealer or received on consignment by a commission merchant during each license period covered by the bond.

SEC. 17. Section 56272 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

56272. A commission merchant shall, before the close of the next business day following the final sale of any lot of farm products consigned to him, transmit or deliver to the producer or consignor of the farm products a true written report of such sale, showing the amount sold and the selling price.

SEC. 18. Section 56274 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

56274. In the account, the names and addresses of purchasers need not be given. Where a commission merchant has entered into a contract with two or more producers or consignors which contract provides that the returns for farm products sold for the account of such producers or consignors shall be pooled on a definite basis as to size or grade, or both, during a certain period of time, then a commission merchant shall obtain the written consent of the consignors and shall be required to render an account of sales, showing the net average pool return on each size or grade, or both, from sales made and shall keep a correct record of such sales, showing in detail all information as required in Section 56271.

SEC. 19. Section 56331 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

56331. Every broker, upon negotiating the sale of farm products, shall issue to both buyer and seller a written memorandum of sale, showing price, date of delivery, quality, and

other details concerned in the transaction. A copy of this memorandum shall be retained by the broker for a period of one year.

SEC. 20. Section 56608 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

56608. It is a violation of this chapter if a commission merchant to whom any consignment is made has reconsigned such consignment to another commission merchant or employed a broker to effect the sale for the consignor and has deducted commissions in excess of his commission charges as filed with the director. In no case may he charge more than 20 percent of the gross sales price of the farm product for all selling services.

SEC. 21. No funds received pursuant to, or made available by, the provisions of this act shall be expended until appropriated.

CHAPTER 808

An act to amend Sections 25411 and 25411.5 of the Education Code, relating to junior colleges.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 25411 of the Education Code is amended to read:

25411. The county committee on school district organization, upon petition of the governing board of any junior college district, may provide for the establishment, rearrangement, or abolishment of trustee areas in any junior college district or increase or decrease the number of members of the governing board, in the same manner as trustee areas may be provided for in other districts under Sections 1123 to 1125.6, inclusive.

When trustee areas are established or rearranged under this section, governing board members shall be elected for four-year terms, and shall be either five or seven in number. The number of trustee areas shall not be less than two nor more than seven.

Subject to provisions of this section, any resident and registered elector of the school district not disqualified by the Constitution or laws of the state is eligible to candidacy for, and appointment and election to, the governing board of a junior college district in which trustee areas have been provided under this section.

When trustee areas are established or rearranged under this section, the petition to the county committee by the governing

board shall provide for election of trustees by one of the following methods:

a) Election, of an elector residing in and registered to vote in the trustee area he seeks to represent, by only the registered electors of the same trustee area;

b) Election, of an elector residing in and registered to vote in the trustee area he seeks to represent, by the registered electors of the entire junior college district.

SEC. 2. Section 25411.5 of the Education Code is amended to read:

25411.5. In every junior college district in which trustee areas have not been established, there shall be a governing board of either five or seven members elected at large from the district to serve a term of four years. If trustee areas have been established in a junior college district the governing board shall consist of a member or members from each trustee area.

CHAPTER 809

An act to amend Section 23824 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 23824 of the Business and Professions Code is amended to read:

23824. Limitations provided by Section 23816 on the number of licensed premises shall not apply to premises owned by the State of California, any incorporated city, county, city and county, airport district, or other district or public corporation of the State of California or to premises leased to any county, so long as any such premises are operated as a bona fide public eating place.

Licenses issued on premises owned by the state, incorporated city, county, city and county, airport district, or other district or public corporation of the State of California, or issued on premises leased to any county, shall be renewable as set forth in Sections 24048.1 or 24048.3. Such licenses shall be excluded from the number of premises used in determining application of the limitations provided by this article. Such licenses shall be subject to the provisions of Section 23954.5 and shall be only transferable from person to person at the same premises. Prior to the issuance of such licenses, the governmental agency owning or the county leasing such premises shall file with the department a written request that the license be issued and a written statement setting forth the reasons why issuance of the license would be in the public interest.

CHAPTER 810

An act to amend Section 25100.5 of the Government Code, relating to the clerk of the board of supervisors.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 25100.5 of the Government Code is amended to read:

25100.5. In any county having a population over 2,000,000, the clerk of the board of supervisors shall be appointed by the board of supervisors in the same manner as other county officers are appointed. In any county having a population over 850,000 and under 1,000,000 according to the 1960 federal census, the clerk of the board of supervisors may be appointed by the board of supervisors in the same manner as other county officers are appointed. In such counties, the county clerk is not ex officio clerk of the board of supervisors.

The clerk of the board of supervisors shall perform those duties prescribed by law for the county clerk as ex officio clerk of the board of supervisors or for the clerk of the board of supervisors and such additional duties as the board of supervisors shall prescribe by ordinance. He may perform all the duties vested in the county clerk other than those vested in the county clerk as ex officio clerk of the superior court or registrar of voters and may take acknowledgments and administer and certify oaths in the performance of his official duties.

CHAPTER 811

An act to amend Sections 6700, 6704 and 6787 of, and to add Section 6767.5 to, the Business and Professions Code, relating to professional engineers.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 6700 of the Business and Professions Code is amended to read:

6700. This chapter of the Business and Professions Code constitutes the chapter on professional engineers in the branches of chemical, civil, electrical, industrial, mechanical, metallurgical, and petroleum engineering. It may be cited as the Civil and Professional Engineers Act.

SEC. 2. Section 6704 of the Business and Professions Code is amended to read:

6704. Only persons registered under the provisions of this chapter shall be entitled to take and use the titles "consulting

engineer," "professional engineer," or "registered engineer," or any combination of such titles, and according to registration with the board the titles "civil engineer," "structural engineer," "chemical engineer," "electrical engineer," "industrial engineer," "mechanical engineer," "metallurgical engineer," "petroleum engineer," or "engineer-in-training." The provisions of this act pertaining to registration of professional engineers in the branches of chemical, electrical, industrial, mechanical, metallurgical, and petroleum engineering do not apply to employees in the communication industry; nor to the employees of contractors while engaged in work on communication equipment; provided, that such employees may not use the title unless registered. All persons registered with the board as civil engineers shall immediately have the right to use the title "professional engineer," by virtue of such registration without application or payment of any fee therefor. Nor shall the provisions of this section prevent the use of the title "consulting engineer" by a person who has qualified for and maintained exemption for using such title under the provisions of Section 6732.1.

SEC. 3. Section 6767.5 is added to the Business and Professions Code, to read:

6767.5. (a) Until January 1, 1969, the board may register an applicant without examination in that branch of engineering designated as industrial engineering, provided that the applicant, in the opinion of the board, has all the qualifications necessary for such registration.

(b) The board may adopt such rules under provisions of the Administrative Procedure Act as are necessary to implement this section.

SEC. 4. Section 6787 of the Business and Professions Code is amended to read:

6787. Every person is guilty of a misdemeanor and for each offense of which he is convicted is punishable by a fine of not more than five hundred dollars ($500) or by imprisonment not to exceed three months, or by both fine and imprisonment:

(a) Who, unless he is exempt from registration under this chapter, practices or offers to practice civil engineering in this state according to the provisions of this chapter without legal authorization.

(b) Who presents or attempts to file as his own the certificate of registration of another.

(c) Who gives false evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.

(d) Who impersonates or uses the seal of any other practitioner.

(e) Who uses an expired or revoked certificate of registration.

(f) Who shall represent himself as, or use the title of, registered civil engineer, or any other title whereby such person

could be considered as practicing or offering to practice civil engineering in any of its branches, unless he is qualified by registration as a civil engineer under this chapter.

(g) Who, unless registered, manages, or conducts as manager, proprietor, or agent, any place of business from which civil engineering work is solicited, performed or practiced.

(h) Who uses the title, or any combination of such title, of "consulting engineer," "professional engineer," "registered engineer," "chemical engineer," "civil engineer," "electrical engineer," "industrial engineer," "mechanical engineer," "metallurgical engineer," "petroleum engineer," "structural engineer," or "engineer-in-training" without being registered as required by this act.

(i) Who violates any provision of this chapter.

CHAPTER 812

An act to add Section 16625.4 to the Education Code, relating to children's centers.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 16625.4 is added to the Education Code, to read:

16625.4. Each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to children's center employees whose children's center permit applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a permit. Such certificate shall be valid for not more than 90 schooldays and only until the permit orginally requested is either issued or denied by the State Superintendent of Public Instruction.

CHAPTER 813

An act to amend Section 1208 of the Penal Code, relating to the work furlough program.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 1208 of the Penal Code is amended to read:

1208. (a) The provisions of this section shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section in that county is feasible. In such ordinance the board shall prescribe whether the sheriff, the probation officer, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board of supervisors may also terminate the operativeness of this section in the county if it finds by ordinance that, because of changed circumstances, the operation of this section in that county is no longer feasible.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, or committed under the terms of Section 5654, 5656, 5676, or 5677 of the Welfare and Institutions Code as an inebriate or a habit-forming drug addict, the work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of subd vision (d), or may authorize the person to secure employment for himself in the county, unless the court at the time of sentencing or committing has ordered that such person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his regular employment, the administrator shall arrange for a continuation of such employment so far as possible without interruption. If the prisoner does not have regular employment, and the administrator has authorized the prisoner to secure employment for himself, the prisoner may do so, and the administrator may assist him in doing so. Any employment so secured must be suitable for the prisoner. Such employment must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed.

(d) Whenever the prisoner is not employed and between the hours or periods of employment, he shall be confined in the jail unless the court directs otherwise.

(e) The earnings of the prisoner shall be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. In a case in which the functions

of the administrator are performed by a sheriff, and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, or employment, the work furlough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) This section shall be known and may be cited as the "Cobey Work Furlough Law."

SEC. 2. Section 1208 of the Penal Code is amended to read:

1208. (a) The provisions of this section, insofar as they relate to employment, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to employment, in that county is feasible. The provisions of this section, insofar as they relate to education, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of education conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to education, in that county is feasible. In any such ordinance the board shall prescribe whether the sheriff, the probation officer, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board of supervisors may also terminate the operativeness of this section, either with respect to employment or education in the county if it finds by ordinance that, because of changed circumstances, the operation of this section, either with re-

spect to employment or education in that county is no longer feasible.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, or committed under the terms of Section 5654, 5656, 5676, or 5677 of the Welfare and Institutions Code as an inebriate or a habit-forming drug addict, the work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure employment for himself in the county, unless the court at the time of sentencing or committing has ordered that such person not be granted work furloughs. The work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular educational program, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure education for himself in the county, unless the court at the time of sentencing has ordered that such person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his regular employment or educational program, the administrator shall arrange for a continuation of such employment or education, so far as possible without interruption. If the prisoner does not have regular employment or a regular educational program, and the administrator has authorized the prisoner to secure employment or education for himself, the prisoner may do so, and the administrator may assist him in doing so. Any employment or education so secured must be suitable for the prisoner. Such employment or educational program, if such educational program includes earnings by the prisoner, must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment or educational program involving earnings by the prisoner be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed or educated.

(d) Whenever the prisoner is not employed or being educated and between the hours or periods of employment or education, he shall be confined in the jail unless the court directs otherwise.

(e) The earnings of the prisoner shall be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such

request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer or educator transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, education, or employment, the work furlough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) As used in this section, "education" includes vocational training, and "educator" includes a person or institution providing vocational training.

(j) This section shall be known and may be cited as the "Cobey Work Furlough Law."

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1197 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 1197 takes effect; at which time Section 1 of this act is repealed.

CHAPTER 814

An act to amend Section 8920 of the Government Code, relating to state officers.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 8920 of the Government Code is amended to read:

8920. (a) No Member of the Legislature, state elective or appointive officer, or judge or justice shall, while serving as such, have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed in the laws of this state.

(b) No Member of the Legislature shall, during the term for which he was elected:

(1) Accept other employment which he has reason to believe will either impair his independence of judgment as to his official duties or require him, or induce him, to disclose confidential information acquired by him in the course of and by reason of his official duties;

(2) Willfully and knowingly disclose, for pecuniary gain, to any other person, confidential information acquired by him in the course of and by reason of his official duties or use any such information for the purpose of pecuniary gain;

(3) Accept or agree to accept, or be in partnership with any person who accepts or agrees to accept, any employment, fee, or other thing of value, or portion thereof, in consideration of his appearing, agreeing to appear, or taking any other action on behalf of another person regarding a licensing or regulatory matter, before any state board or agency which is established by law for the primary purpose of licensing or regulating the professional activity of persons licensed, pursuant to state law; provided, that this section shall not be construed to prohibit a member who is an attorney at law from practicing in such capacity before the Workmen's Compensation Appeals Board or the Commissioner of Corporations, and receiving compensation therefor, or from practicing for compensation before any state board or agency in connection with, or in any matter related to, any case, action, or proceeding filed and pending in any state or federal court; and provided that this section shall not act to prohibit a member from making inquiry for information on behalf of a constituent before a state board or agency, if no fee or reward is given or promised in consequence thereof; and provided that the prohibition contained in this subdivision shall not apply to a partnership in which the Member of the Legislature is a member if the Member of the Legislature does not share directly or indirectly in the fee resulting from the transaction; and provided that the prohibition contained in this subdivision shall not apply in connection with any matter pending before any state board or agency on the operative date of this subdivision if the affected Member of the Legislature is attorney of record or representative in the matter prior to such operative date;

(4) Receive or agree to receive, directly or indirectly, any compensation, reward, or gift from any source except the State of California for any service, advice, assistance or other

matter related to the legislative process, except fees for speeches or published works on legislative subjects and except, in connection therewith, reimbursement of expenses for actual expenditures for travel and reasonable subsistence for which no payment or reimbursement is made by the State of California;

(5) Participate, by voting or any other action, on the floor of either house, or in committee or elsewhere, in the enactment or defeat of legislation in which he has a personal interest, except as follows:

(i) If, on the vote for final passage by the house of which he is a member, of the legislation in which he has a personal interest, he first files a statement (which shall be entered verbatim on the journal) stating in substance that he has a personal interest in the legislation to be voted on and notwithstanding such interest, he is able to cast a fair and objective vote on such legislation, he may cast his vote without violating any provision of this article;

(ii) If the member believes that, because of his personal interest, he should abstain from participating in the vote on the legislation, he shall so advise the presiding officer prior to the commencement of the vote and shall be excused from voting on the legislation without any entry on the journal of the fact of his personal interest. In the event a rule of the house, requiring that each member who is present vote aye or nay is invoked, the presiding officer shall order the member excused from compliance and shall order entered on the journal a simple statement that the member was excused from voting on the legislation pursuant to law.

The provisions of this section do not apply to persons who are members of the state civil service as defined by Article XXIV, Section 4, of the Constitution of the State of California.

CHAPTER 815

An act to amend Section 2983 of the Civil Code, relating to motor vehicle sales.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 2983 of the Civil Code is amended to read:

2983. If the seller, except as the result of an accidental or bona fide error in computation, violates any provision of subdivisions (a) or (c) of Section 2982, the conditional sale contract shall not be enforceable, except by a bona fide purchaser, assignee or pledgee for value or until after the violation is corrected as provided in Section 2984, and if the violation is not

corrected the buyer may recover from the seller the total amount paid, pursuant to the terms of the contract, by the buyer to the seller or his assignee. The amount recoverable for property traded in as all or part of the down payment shall be equal to the agreed cash value of such property as the value appears on the conditional sale contract or the fair market value of such property as of the time the contract is made, whichever is greater.

CHAPTER 816

An act to amend the heading of Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of, to amend Sections 853.6 and 853.9 of, and to repeal Chapter 5b (commencing with Section 853.1) of Title 3 of Part 2 of, the Penal Code, relating to appearances before a magistrate.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Chapter 5b (commencing with Section 853.1) of Title 3 of Part 2 of the Penal Code is repealed.

SEC. 2. The heading of Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code is amended to read:

CHAPTER 5C. CITATIONS FOR MISDEMEANORS

SEC. 3. Section 853.6 of the Penal Code is amended to read:

853.6. (a) In any case in which a person is arrested for an offense declared to be a misdemeanor and does not demand to be taken before a magistrate, the arresting officer may, instead of taking such person before a magistrate, follow the procedure prescribed by this chapter. The arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court.

(b) The time specified in the notice to appear must be at least five (5) days after arrest.

(c) The place specified in the notice shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

(d) The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, must give his written promise so to appear in court by signing the duplicate notice which shall be re-

tained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate may fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of this code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of this code.

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

(g) The officer shall indicate on the notice to appear whether he desires the arrested person to be booked as defined in subdivision 21 of Section 7 of this code. In such event, the magistrate shall, before the proceedings are finally concluded, order the defendant to be booked by the arresting agency.

(h) A peace officer may use the written notice to appear procedure set forth in this section for any misdemeanor offense in which the officer has arrested a person pursuant to Section 836 or in which he has taken custody of a person pursuant to Section 847.

SEC. 4. Section 853.9 of the Penal Code is amended to read:

853.9. (a) Whenever written notice to appear has been prepared, delivered, and filed with the court pursuant to the provisions of Section 853.6 of this code, an exact and legible duplicate copy of the notice when filed with the magistrate, in lieu of a verified complaint, shall constitute a complaint to which the defendant may plead "guilty."

If, however, the defendant violates his promise to appear in court, or does not deposit lawful bail, or pleads other than "guilty" of the offense charged, a complaint shall be filed which shall conform to the provisions of this code and which shall be deemed to be an original complaint; and thereafter proceedings shall be had as provided by law, except that a

defendant may, by an agreement in writing, subscribed by him and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear.

(b) Notwithstanding the provisions of subdivision (a) of this section, whenever the written notice to appear has been prepared on a form approved by the Judicial Council, an exact and legible duplicate copy of the notice when filed with the magistrate shall constitute a complaint to which the defendant may plead "not guilty," unless the defendant at the time he enters his plea requests that a verified complaint be filed.

CHAPTER 817

An act to amend Section 22825 of the Government Code, a part of the Meyers-Geddes State Employees' Medical and Hospital Care Act, relating to health benefits.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 22825 of the Government Code is amended to read:

22825. The State of California and each employee or annuitant shall contribute a portion of the cost of providing for each employee and annuitant the benefit coverage afforded under any health benefit plan which the board has approved or for which it has executed a contract pursuant to this part, and in which the employee or annuitant may be enrolled.

The state's contribution shall be the amount necessary to pay the cost of a basic health benefits plan, or six dollars ($6) per month for each employee or annuitant, whichever is the lesser; provided, however, that there shall be only one such contribution with respect to all annuitants receiving allowances as survivors of the same employee or annuitant. The state's contribution to the basic health benefits plan to each employee shall commence on the first day of the calendar month next following the completion of six months of employment by the state or the University of California; provided the employment has not been interrupted by a break of more than one month, except that absence for military service shall not be considered a break.

The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him under the plan less the portion thereof to be contributed by the state.

CHAPTER 818

An act to amend Section 43002 of the Government Code, to amend Sections 448, 467, 751, 2192, 11492, and 12492 of, and to add Section 503.5 to, the Revenue and Taxation Code, to amend Sections 25502, 25503, 31745 and 31746 of the Water Code, and to amend Section 7 of Chapter 349 of the Statutes of 1873–74, relating to property taxation.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 43002 of the Government Code is amended to read:

43002. Tax liens attach as of 12:01 a.m. on the first day of March of each year.

SEC. 2. Section 448 of the Revenue and Taxation Code is amended to read:

448. The property statement shall show all information as of 12:01 a.m. on the lien date.

SEC. 3. Section 467 of the Revenue and Taxation Code is amended to read:

467. Annually, on or before March 20th, every taxing agency shall file with the assessor of the county in which the property is located statements containing legal descriptions of

(a) All real estate which it has conveyed by deed to any person during the assessment year ending on the last day of February.

(b) All real estate owned by it on the preceding lien date and which it has agreed by contract in writing to sell and convey to any person. The statement covering property sold by contract shall show for each parcel of real estate the name and address of the purchaser, the consideration for the sale and conveyance thereof, and the amount of the consideration paid as of the lien date.

SEC. 3.5. Section 503.5 is added to the Revenue and Taxation Code, to read:

503.5. (a) For the purposes of Sections 503 and 504, tangible personal property shall be deemed not to have been willfully concealed, removed, transferred, or misrepresented by the owner or his agent to avoid taxation for the fiscal year 1967–68 solely because the owner reported to the assessor the tangible personal property owned, claimed, possessed, controlled, or managed by him as of 12:01 a.m. on the first day of March 1967, as being his tangible personal property as of noon on the first Monday in March 1967.

(b) Except as provided in subdivision (a), nothing herein shall prevent a penal assessment being made pursuant to Section 501, or an escape assessment pursuant to Article 4 (commencing with Section 531) of this chapter with respect to

property owned, claimed, possessed, controlled, or managed by a person as of noon on the first Monday in March 1967.

SEC. 4. Section 751 of the Revenue and Taxation Code is amended to read:

751. The board shall assess all state assessed property at its actual value as of 12:01 a.m. on the first day of March.

SEC. 5. Section 2192 of the Revenue and Taxation Code is amended to read:

2192. Except as otherwise specifically provided, all tax liens attach annually as of 12:01 a.m. on the first day of March preceding the fiscal year for which the taxes are levied.

SEC. 6. Section 11492 of the Revenue and Taxation Code is amended to read:

11492. The lien upon personal property attaches as of 12:01 a.m. on the first day of March of each year with respect to taxes, together with the interest and penalties thereon, to be levied during the year.

SEC. 7. Section 12492 of the Revenue and Taxation Code is amended to read:

12492. Every lien attaches as of 12:01 a.m. on the first day of March of the calendar year in which the tax is levied.

SEC. 8. Section 25502 of the Water Code is amended to read:

25502. Annually, between March 1st and June 1st the assessor shall assess all land in his district to the persons owning, claiming, possessing, or controlling it, except that if all funds required to be raised are raised other than by assessment, no assessment need be levied and no assessment roll need be prepared or equalized.

SEC. 9. Section 25503 of the Water Code is amended to read:

25503. All of the land shall be assessed in accordance with Section 401 of the Revenue and Taxation Code as of 12:01 a.m. on the first day of March of that year.

SEC. 10. Section 31745 of the Water Code is amended to read:

31745. Annually, between March 1st and July 1st the assessor shall assess all land, including all possessory rights to the use or possession of land held under the public land laws of the United States or of the state, or otherwise, and all improvements and personal property within the district subject to taxation by the district under this chapter to the persons owning, claiming, possessing, or controlling it.

SEC. 11. Section 31746 of the Water Code is amended to read:

31746. All of the property shall be assessed in accordance with Section 401 of the Revenue and Taxation Code, as of 12:01 a.m. on the first day of March.

SEC. 12. Section 7 of Chapter 349 of the Statutes of 1873–74 is amended to read:

Sec. 7. It shall be the duty of the ex officio assessor of the district, between March 1st and July 1st of each year in which

an assessment of the real property of the district is to be made as in this act provided, to assess in accordance with Section 401 of the Revenue and Taxation Code all the real property in said district to the persons owning or claiming the same as of 12:01 a.m. on the first day of March of the year when such assessment is to be made, and to enroll the same upon the assessment roll to be prepared by him; but no mistake in the name of the owner or supposed owner of such real property shall render the assessment thereof invalid. When such assessment roll has been completed by the ex officio assessor of the district he shall deliver the same to the board of directors, and such delivery shall be made on or before the first day of July of the year in which said assessment is made.

SEC. 13. This act shall become operative on January 1, 1968.

CHAPTER 819

An act to amend Section 40003 of the Vehicle Code, relating to prosecution of employees.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 40003 of the Vehicle Code is amended to read:

40003. Whenever an employee is prosecuted for a violation of any provision of this code, or regulations promulgated pursuant to this code, relating to the size, weight, registration, equipment, or loading of a vehicle while operating a vehicle he was employed to operate, and which is owned by his employer, the court shall on the request of the employee take appropriate proceedings to make the owner of the vehicle a codefendant. In the event it is found that the employee had reasonable grounds to believe that the vehicle operated by him as an employee did not violate such provisions, and in the event the owner is found guilty under the provisions of Section 40001, the court may dismiss the charges against the employee.

In those cases in which the charges against the employee are dismissed, the abstract of the record of the court required by Section 1803 shall clearly indicate that such charges were dismissed and that the owner of the vehicle was found guilty under Section 40001.

CHAPTER 820

An act to repeal Section 18593 of the Government Code, relating to civil service.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 18593 of the Government Code is repealed.

CHAPTER 821

An act to amend Section 4061 of the Business and Professions Code, relating to the practice of pharmacy.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 4061 of the Business and Professions Code is amended to read:

4061. Notwithstanding any provision in this chapter to the contrary, the board may by rule prohibit the sale of any drug except in a pharmacy and under the personal supervision of a registered pharmacist if after open hearing following due notice to persons who have filed written requests for such notice to the board, it shall find that the public health and safety is or will be endangered by the sale of such drug except in a pharmacy and under the personal supervision of a registered pharmacist. A violation of any rule adopted by the board under this section shall be punished in the same manner as provided in Section 4389. If a person holding a certificate, license or permit issued by the board, under the provisions of this chapter, shall violate any such rule he shall, in addition, be subject to disciplinary proceedings, as provided in Section 4350.5; provided, he is a person against whom disciplinary proceedings may be invoked, under the provisions thereof. This section shall not apply to products sold or offered for sale under the provisions of Sections 4055, 4057, and 4058 of this code; nor shall this section apply to products lawfully sold or offered for sale to the general public under the provisions of Section 4052 of this code.

CHAPTER 822

An act to add Section 31703.6 to the Water Code, relating to taxation within the Pinedale County Water District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 31703.6 is added to the Water Code, to read:

31703.6. Annually, the Pinedale County Water District, Fresno County, may request, and the board of supervisors shall levy, a bond tax on land only in Pinedale County Water District, Improvement District No. 2, benefited by the purposes of the bonded debt. The bond tax levied pursuant to this section constitutes a lien on all property, both land and improvements, located on the land benefited by the purposes of the bonded debt.

This special provision is necessary because of the special benefit to undeveloped land within the Pinedale County Water District, Improvement District No. 2, from the availability of district improvements in the area.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the state require the orderly and unhampered functioning of public bodies and such functioning depends on the avoidance of oppressive taxation for necessary services. Water and proper sanitation are essential to the effective use of the lands in the Pinedale County Water District, Improvement District No. 2, and as provided increases the value of land manyfold. However, because building density is low, a water and sanitation bond tax on land and improvements places a disproportionate burden of the cost on homeowners in the district in relation to the benefits received. In order that fair and equitable bond taxes may be levied during the fiscal year 1967–1968 in the district, it is necessary that this act take effect immediately.

CHAPTER 823

An act to amend Sections 3780 and 3786 of the Elections Code, relating to district elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 3780 of the Elections Code is amended to read:

3780. As used in this article, "county measure" includes any proposed county charter, any proposed amendment to a county charter, any proposition for the issuance of funding or refunding bonds of the county, any other question or proposition submitted to the voters of a county at any election held throughout an entire single county, or any bond proposal submitted to the voters of any public district although the boundaries of the district may be coterminous with those of the county.

SEC. 2. Section 3786 of the Elections Code is amended to read:

3786. Notwithstanding any provision of law to the contrary, all of the provisions of this article shall apply to any district bond election, except a school district bond election, called by, and the returns of which are canvassed by, the board of supervisors, or to any district bond election, except a school district bond election, conducted by a district. The provisions of this article shall also apply to any special election, if the board of supervisors so provides in its proclamation or notice thereof, except that for any election subject to the provisions of this section:

(a) "County measure" shall be deemed to refer to any measure as defined in Section 42 submitted at such special or district election. Section 3780 shall not apply.

(b) Section 3781 and the reference to the analysis of the measure by the county counsel or district attorney in Section 3783 shall not apply unless the board of supervisors directs such officer to prepare such analysis.

SEC. 3. 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 such necessity are:

In order to make the provisions of this act applicable to the November 1967 elections it is necessary that this act take immediate effect.

CHAPTER 824

An act to amend Section 28134 of the Government Code, relating to compensation of officers in Kings County.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 28134 of the Government Code is amended to read:

28134. In a county of the 34th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eight thousand four hundred dollars ($8,400) a year.

(b) The district attorney, sixteen thousand dollars ($16,000) a year. The district attorney shall devote his entire time during office hours to the work of the county and state and is prohibited from engaging in private work within such office hours; however, this shall not be construed to preclude the district attorney from continuing or concluding any matter in which he has appeared of record prior to October 1, 1949.

(c) Each supervisor, six thousand dollars ($6,000) a year in full for all services performed by him as supervisor, member of the board of equalization, and in any other capacity, and all actual and necessary traveling expenses when traveling on county business. The traveling expenses, exclusive of meals and hotel accommodations, shall not exceed ten cents ($0.10) per mile.

(d) Trial jurors in the superior court, for each day's attendance, six dollars ($6). In justice courts, the jurors sworn to try the case shall receive for each day's attendance three dollars ($3). Each trial juror shall receive mileage at the rate of seven cents ($0.07) each way for each mile actually traveled in attending court, except that in justice courts mileage shall be allowed only to those jurors sworn to try the case.

(e) Grand jurors, for each day's attendance at regular sessions of the grand jury or of any regularly constituted committee or subcommittee thereof, or when appointed in writing by the foreman of the grand jury to make individual investigations, six dollars ($6). A juror excused at his own request is not entitled to a per diem fee. Each juror driving his own automobile upon jury business, or in attendance upon meetings of the jury or committees thereof, shall receive mileage at the rate of seven cents ($0.07) each way for every mile actually and necessarily traveled. Said claims for per diem, for mileage and any incidental expenses incurred by jurors pursuant to the exercise of their official duties (excluding meal expense) shall be paid out of the general fund of the county by the county treasurer upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

CHAPTER 825

An act to amend Sections 5201 and 5252 of the Welfare and Institutions Code, and Sections 6711 and 6717 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1221 of the 1967 Regular Session, relating to commitments of mentally irresponsible persons.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 5201 of the Welfare and Institutions Code is amended to read:

5201. If the person alleged to be mentally ill or sought to be committed is not an indigent person, the costs of the proceedings are the obligation of such person and shall be paid by him, or by the guardian of his estate as provided in Division IV of the Probate Code, or shall be paid by persons legally liable for his maintenance, unless the judge orders otherwise. The fees allowed the medical examiners, court appointed or otherwise, shall be included as costs of the proceedings to be paid by the person alleged to be mentally ill or sought to be committed or the guardian of his estate or persons responsible for his maintenance only if such person is adjudged to be mentally ill.

SEC. 2. Section 5252 of the Welfare and Institutions Code is amended to read:

5252. The cost necessarily incurred in determining whether a person is a fit subject for admission to a home for the mentally deficient and securing his admission thereto, is a charge upon the county whence he is committed. Such costs include the fees of witnesses, medical examiners, psychiatrists and psychologists allowed by the judge ordering the examination. If the person sought to be committed is not an indigent person, the costs of the proceedings are the obligation of such person and shall be paid by him, or by the guardian of his estate as provided in Division IV of the Probate Code, or shall be paid by persons legally liable for his maintenance, unless otherwise ordered by the judge.

SEC. 3. Section 6711 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1221 for the 1967 Regular Session is amended to read:

6711. If a person alleged to be a mentally abnormal sex offender is not an indigent person, the costs of the proceedings are the obligation of such person and shall be paid by him, or by the guardian of his estate as provided in Division IV of the Probate Code, or shall be paid by persons legally liable for his maintenance, unless the judge orders otherwise. The fees allowed the medical examiners, court appointed or otherwise, shall be included as costs of the proceedings to be paid by the

person alleged to be a mentally abnormal sex offender or sought to be committed or the guardian of his estate or persons responsible for his maintenance only, if such person is adjudged to be a mentally abnormal sex offender.

SEC. 4. Section 6717 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1221 for the 1967 Regular Session is amended to read:

6717. The cost necessarily incurred in determining whether a person is a fit subject for admission to a hospital for the mentally retarded and securing his admission thereto, is a charge upon the county whence he is committed. Such costs include the fees of witnesses, medical examiners, psychiatrists and psychologists allowed by the judge ordering the examination. If the person sought to be committed is not an indigent person, the costs of the proceedings are the obligation of such person and shall be paid by him, or by the guardian of his estate as provided in Division IV of the Probate Code, or shall be paid by persons legally liable for his maintenance, unless otherwise ordered by the judge.

SEC. 5. Sections 3 and 4 of this act shall take effect only if Assembly Bill No. 1221 is enacted by the Legislature at its 1967 Regular Session, and, in such case, shall become operative on July 1, 1968, at which time Sections 5201 and 5252 of the Welfare and Institutions Code as amended by Sections 1 and 2 of this act are repealed.

CHAPTER 826

An act to amend Section 13602 of the Education Code, relating to noncertificated employee salaries.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 13602 of the Education Code is amended to read:

13602. The governing board of a school district may during any school year increase the annual salaries of persons employed by the district in positions not requiring certification qualifications at any time; provided, the board has retained the right to increase the salaries of such employees during the school year by appropriate rules and regulations adopted by the board prior to the commencement of the school year.

Notwithstanding the foregoing provisions a governing board may, at any time, increase the wages or salaries of classified employees if the board approves a classification change in a position, a class of positions, or any or all of the positions or classes of positions a part of the classified service.

The provisions of this section shall not be construed to permit a governing board to demote or dismiss an employee as a result of reclassification of a position or class of positions except as may otherwise be permitted in law.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

CHAPTER 827

An act to amend Section 1443 of the Probate Code, relating to guardians.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 1443 of the Probate Code is amended to read:

1443. The probation officer in the county in which the petition for appointment of guardian of a minor or incompetent person is pending, shall make an investigation of each case whenever he is requested so to do by a judge of the superior court. In the event that a petition for guardianship is filed for a minor of two years of age or under and the person petitioning for appointment as guardian is not a relative of the minor, the court shall require the probation officer to make an investigation.

CHAPTER 828

An act to repeal Section 3805 of the Fish and Game Code, relating to nonprotected birds.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 3805 of the Fish and Game Code is repealed.

CHAPTER 829

An act to amend Sections 42276, 45400, 45402, 45408, 45552, 45555, 45556, 45700, and 45702 of the Water Code, relating to California water storage districts.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 42276 of the Water Code is amended to read:

42276. The report shall set forth in detail all the following:

(a) The character and nature of the proposed works.

(b) A description of the rights both to water and land it will be necessary to acquire to complete the project.

(c) Plans and specifications.

(d) An estimate of the cost of the project, including the acquisition of all rights necessary to its completion and operation, and including any amounts proposed to be provided out of bond funds for the establishment of a bond reserve fund and for amounts proposed to be provided out of bond funds for the payment of interest on bonds during construction of the project.

SEC. 1.5. Section 45400 of the Water Code is amended to read:

45400. If a majority of the votes cast at the election are in favor of the issuance of bonds, or if a resolution authorizing the issuance of bonds has been adopted and approved in accordance with Section 45102, the board shall cause bonds in the amount stated in the order calling the election or in such resolution, as the case may be, to be sold as herein provided and shall deliver the assessment list segregated as to affected counties to the treasurer.

SEC. 2. Section 45402 of the Water Code is amended to read:

45402. The board may divide the principal amount of any authorized issue of bonds into two or more series, and may fix different dates for the bonds of each series. When directed by resolution of the board, the treasurer shall sell the bonds or any series thereof for the best price obtainable, but in no event for less than 90 percent of the face value of the bonds and accrued interest.

SEC. 3. Section 45408 is added to the Water Code, to read:

45408. The bonds of any series of an authorized issue shall be equally and ratably secured with the bonds of any other series of such authorized issue.

SEC. 4. Section 45552 of the Water Code is amended to read:

45552. The bonds shall be numbered consecutively in order of their maturity. If the bonds are issued in two or more series, each series shall be lettered in alphabetical order, and the bonds of each series shall be numbered consecutively in order of their maturity within such series.

SEC. 5. Section 45555 of the Water Code is amended to read:

45555. The principal of the bonds or any series thereof shall be made payable on the first day of July, or the first day of January, and in such years as the board may prescribe.

SEC. 6. Section 45556 of the Water Code is amended to read:

45556. The bonds or any series thereof shall be payable within 40 years from their date, and not less than 10 percent of the aggregate face value of the bonds or any series thereof issued shall be payable within 15 years from their date.

SEC. 7. Section 45700 of the Water Code is amended to read:

45700. If any district having authorized the issuance of any bonds shall issue additional bonds based on another assessment, the dates of maturity of the additional bonds or any series thereof shall be such that the latest maturity thereof shall not exceed 50 years from their date.

SEC. 8. Section 45702 of the Water Code is amended to read:

45702. All provisions of this part relative to the original issue of bonds shall apply to any additional bonds.

CHAPTER 830

An act to amend Sections 5657 and 5678 of the Welfare and Institutions Code, relating to habit-forming drug addicts and inebriates.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 5657 of the Welfare and Institutions Code is amended to read:

5657. If the court orders that the person be confined in a state hospital, the court shall commit the person to the Department of Mental Hygiene for placement in a designated hospital for a definite period not to exceed two years, but he may be placed on leave of absence by the medical superintendent under the same rules and conditions under which the mentally ill are placed on leave of absence, and the superintendent, on filing his written certificate with the Director of Mental Hygiene, may discharge any person committed under this article

when he is satisfied that the person will not receive substantial benefit from further hospital treatment, with the same power as contained in Article 8 (commencing with Section 6725), Chapter 1, Part 4, Division 6 of this code. In the event that the person shall have been committed to an industrial farm or industrial road camp or branch of the county jail, as provided in Section 5654 or 5656 of this code, he may, after recommendation by the medical director of the county:

(1) Be paroled by the county board of parole commissioners in the same manner as prisoners in county jails are paroled; or

(2) By order of the court, be released from confinement subject to the supervision of the director of the industrial farm or road camp for a period not to exceed the balance of the commitment.

Any person released from confinement in accordance with subdivision (2) may, upon recommendation by the medical director of the county and review of the recommendation by the court, be ordered by the court to be returned to confinement for the balance of his commitment. Any person so returned to confinement may, upon written demand filed with the clerk at any time during the period of confinement, request a hearing and examination as provided in Article 2 (commencing with Section 5550) of this chapter, but excluding Sections 5572 to 5575, inclusive, of that article. Upon the filing of such a request, the judge shall, by order, fix a time and place for hearing and examination, and proceed as in cases where no order of commitment has been made pursuant to the consent of a medical examiner and the person charged to determine if such person shall be retained in custody for the balance of his original commitment.

SEC. 2. Section 5678 of the Welfare and Institutions Code is amended to read:

5678. If the court orders that the person be confined in a state hospital, the court shall commit the person to the Department of Mental Hygiene for placement in a designated hospital for a definite period not to exceed two years, but he may be placed on leave of absence by the medical superintendent under the same rules and conditions under which the mentally ill are placed on leave of absence, and the superintendent, on filing his written certificate with the Director of Mental Hygiene, may discharge any person committed under this article when he is satisfied that the person will not receive substantial benefit from further hospital treatment, with the same power as contained in Article 8 (commencing with Section 6725), Chapter 1, Part 4, Division 6 of this code. In the event that the person shall have been committed to an industrial farm or industrial road camp or branch of the county jail, as provided in Section 5676 or 5677 of this code, he may, after recommendation by the medical director of the county:

(1) Be paroled by the county board of parole commissioners in the same manner as prisoners in county jails are paroled; or

(2) By order of the court, be released from confinement subject to the supervision of the director of the industrial farm or road camp for a period not to exceed the balance of the commitment.

Any person released from confinement in accordance with subdivision (2) may, upon recommendation by the medical director of the county and review of the recommendation by the court, be ordered by the court to be returned to confinement for the balance of his commitment. Any person returned to confinement pursuant hereto, may, upon written demand filed with the clerk at any time during the period of confinement, request a hearing and examination as provided in Article 2 (commencing with Section 5550) of this chapter, but excluding Sections 5572 to 5575, inclusive, of that article. Upon the filing of any such request, the judge shall by order, fix a time and place for hearing and examination and proceed as in cases where no order of commitment has been made pursuant to the consent of a medical examiner and the person charged to determine if such person shall be retained in custody for the balance of his original commitment.

CHAPTER 831

An act to add Section 10602.5 to the Streets and Highways Code, relating to public improvement assessments.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 10602.5 is added to the Streets and Highways Code, to read:

10602.5. When the resolution of intention provides that bonds shall be issued under the Improvement Act of 1911 or the Improvement Bond Act of 1915 and when the assessment has been duly confirmed pursuant to Section 10312 and when the assessment contains an assessment on public property which is subject to assessment pursuant to Section 10206 including, notwithstanding any other provision of law, public property owned by the city, county or other entity conducting the proceeding, the legislative body may sell such assessment in the same manner and at the same time as provided in Section 10602. The proceeds of the sale shall be deposited in the fund specified in Section 10424.

The buyer of such an assessment shall, upon paying the purchase price, become the owner of the assessment and shall be entitled to exercise all the rights that an owner of an assessment has under Section 5302.5.

CHAPTER 832

An act to amend Sections 6006.3 and 6391 of, and to add Section 6407 to, the Revenue and Taxation Code, relating to the Sales and Use Tax Law.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 6006.3 of the Revenue and Taxation Code is amended to read:

6006.3. "Lease" includes rental, hire and license.

SEC. 2. Section 6391 of the Revenue and Taxation Code is amended to read:

6391. There are exempted from the computation of the amount of the sales tax the rentals payable under a lease of tangible personal property for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to August 1, 1965, and the lessor did not elect under Sections 6094 or 6244 to pay use tax measured by the amount of the rental charge. The lessor shall be deemed not to be obligated for any period of time for which he has the unconditional right to terminate the lease upon notice, whether or not the right is exercised.

SEC. 3. Section 6407 is added to the Revenue and Taxation Code, to read:

6407. The possession of, or the exercise of any right or power over, tangible personal property under a lease of such property is exempt from the use tax for any period of time for which the lessee is obligated to lease the property for an amount fixed by the lease prior to August 1, 1965. The lessee shall be deemed not to be obligated for any period of time for which he has the unconditional right to terminate the lease upon notice, whether or not the right is exercised.

CHAPTER 833

An act to add Section 1005.3 to the Water Code, relating to county water districts.

[Approved by Governor July 18, 1967. Filed with Secretary of State July 18, 1967.]

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

SECTION 1. Section 1005.3 is added to the Water Code, to read:

1005.3. During the pendency of an action to adjudicate substantially all water rights in a ground water basin situated

in whole or in part within the Tehachapi-Cummings County Water District in Kern County, and until the date of judgment therein becomes final, which finality may be subject to any reserved jurisdiction of the court, the failure by any owner of water rights in and to such ground water basin to pump or extract therefrom the full quantity of water representing such water rights which he may be determined to have had as of the date of commencement of the action, shall not result in a loss of any portion of such water rights. The provisions of this section shall apply to any such failure to pump or extract in any water year, calendar year, or other year ending after the effective date of this section, whether or not said action was commenced prior to that effective date.

This special provision is necessary because there are special and peculiar circumstances applicable to the ground water basins lying wholly or partially within the Tehachapi-Cummings County Water District. There are three such ground water basins, commonly referred to as the Tehachapi Basin, the Brite Basin and the Cummings Basin. The alluvial fill in each of said basins is very shallow when contrasted to most other ground water basins in this state. It is necessary to induce those pumpers who can possibly do so to reduce their pumping from the basins if sufficient ground water reserves are to be maintained for preservation of the existing economy until supplemental water is available from the State Water Facilities. Actions to adjudicate substantially all water rights have been filed as to each of those basins.

CHAPTER 834

An act to amend Section 203.1 of the Code of Civil Procedure, relating to jurors.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 203.1 of the Code of Civil Procedure is amended to read:

203.1. When authorized by local superior court rule, a municipal court district in a county having a population of 1,000,000 or over as determined by the 1960 federal census, pursuant to duly adopted municipal court rule may, but is not required to, use the same jury panel as that summoned for use in the superior court. Persons so selected for jury duty in the municipal court need not be residents of the municipal court judicial district.

CHAPTER 835

An act to amend Section 5087 of the Welfare and Institutions Code, and Section 8012 of the Welfare and Institutions Code as proposed by Assembly Bill No 1221 of the 1967 Regular Session, relating to public guardians.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 5087 of the Welfare and Institutions Code is amended to read:

5087. The public guardian upon the death of his ward or upon the death of his conservatee may pay in full or in part from any assets of such ward or conservatee which are under his control the unpaid expenses of his ward's or conservatee's burial and last illness. When it appears that the total market value of the estate of the decedent does not exceed one thousand dollars ($1,000), the public guardian may apply to a judge of the superior court for an order permitting him to sell any personal property belonging to the decedent, to withdraw any money of the decedent on deposit with any bank or other commercial savings institution, and to collect any debt or claim that may be owing to the decedent. If the order is granted, any person or institution shall be entitled to pay or deliver money or property to the public guardian. The money received from any such sale or collection shall be used to pay the burial expenses of the decedent and the expenses of his last illness. Application for such an order may be filed whether or not there is a will of the decedent in existence if the will does not appoint an executor or if the named executor refuses to act. No notice of the application need be given. After the payment of such expenses the public guardian may transfer any remaining assets in accordance with and subject to the provisions of Section 630 of the Probate Code. The value of the property for the purpose of ascertaining the right to transfer under said section shall be determined after deduction of said expenses paid.

SEC. 2. Section 8012 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1221 of the 1967 Regular Session is amended to read:

8012. The public guardian upon the death of his ward or upon the death of his conservatee may pay in full or in part from any assets of such ward or conservatee which are under his control the unpaid expenses of his ward's or conservatee's burial and last illness. When it appears that the total market value of the estate of the decedent does not exceed one thousand dollars ($1,000), the public guardian may apply to a judge of the superior court for an order permitting him to sell any personal property belonging to the decedent, to withdraw

any money of the decedent on deposit with any bank or other commercial savings institution, and to collect any debt or claim that may be owing to the decedent. If the order is granted, any person or institution shall be entitled to pay or deliver money or property to the public guardian. The money received from any such sale or collection shall be used to pay the burial expenses of the decedent and the expenses of his last illness. Application for such an order may be filed whether or not there is a will of the decedent in existence if the will does not appoint an executor or if the named executor refuses to act. No notice of the application need be given. After the payment of such expenses the public guardian may transfer any remaining assets in accordance with and subject to the provisions of Section 630 of the Probate Code The value of the property for the purpose of ascertaining the right to transfer under said section shall be determined after deduction of said expenses paid.

SEC. 3. Section 2 of this act shall become operative on July 1, 1968, at which time Section 5087 of the Welfare and Institutions Code as amended by Section 1 of this act is repealed.

SEC. 4. Section 2 of this act shall take effect only if Assembly Bill No. 1221 is enacted by the Legislature at its 1967 Regular Session, and, in such case, at the same time as Assembly Bill No. 1221 takes effect.

CHAPTER 836

An act to amend Sections 24400, 24401, 24402, and 24403 of the Health and Safety Code, and Sections 50232, 50235, 50236, 50238, 50239, 50241, and 50243 of, and to add Section 50257 to, the Government Code, relating to abandoned excavations.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 24400 of the Health and Safety Code is amended to read:

24400. Every person owning land in fee simple or in possession thereof under lease or contract of sale who knowingly permits the existence on the premises of any abandoned mining shaft, pit, well, septic tank, cesspool, or other abandoned excavation dangerous to persons legally on the premises, or to minors under the age of 12 years, who fails to cover, fill, or fence securely any such dangerous abandoned excavation and keep it so protected, is guilty of a misdemeanor.

SEC. 2. Section 24401 of the Health and Safety Code is amended to read:

24401. The board of supervisors may order securely covered, filled, or fenced abandoned mining excavations on unoccupied public lands in the county.

SEC. 3. Section 24402 of the Health and Safety Code is amended to read:

24402. The board of supervisors shall order securely fenced, filled, or covered any abandoned mining shaft, pit, or other excavation on unoccupied land in the county whenever it appears to them, by proof submitted, that the excavation is dangerous or unsafe to man or beast. The cost of covering, filling, or fencing is a county charge.

SEC. 4. Section 24403 of the Health and Safety Code is amended to read:

24403. Every person who maliciously removes or destroys any covering or fencing placed around, or removes any fill placed in, any shaft, pit, or other excavation, as provided in this article, is guilty of a misdemeanor.

SEC. 5. Section 24404 is added to the Health and Safety Code, to read:

"24404. This chapter is not applicable to any abandoned mining shaft, pit, well, septic tank, cesspool, or other abandoned excavation which contains a surface area of more than one-half acre."

SEC. 6. Section 50232 of the Government Code is amended to read:

50232. The resolution shall describe the property upon which the nuisance exists by giving its lot and block number according to the official or local agency assessment map or by other means sufficient to identify the property. The legislative body may specify the type of covering, filling, or fencing required in abating the nuisance.

SEC. 7. Section 50235 of the Government Code is amended to read:

50235. The heading of the notices shall be "Notice to cover, fill, or fence abandoned excavation" in letters not less than one inch in height.

SEC. 8. Section 50236 of the Government Code is amended to read:

50236. The notice shall be substantially in the following form:

NOTICE TO COVER, FILL OR FENCE ABANDONED EXCAVATION

Notice is hereby given that on the _____ day of _____, 19___, the (name of the legislative body) passed a resolution declaring that an abandoned excavation was located upon the property on this street in _____, and more particularly described in the resolution, and that it constitutes a public nuisance which must be abated by the covering, filling, or fencing of the excavation (if the legislative body has specified the type of fencing, fill, or covering required to abate the nui-

sance, the specification shall be set forth). Otherwise it will be covered, filled, or fenced and the nuisance abated by the (county, city, or city and county) and the cost of the covering, filling, or fencing assessed upon the land which the excavation is located and will constitute a lien upon such land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the (county, city, or city and county) clerk.

All property owners having any objections to the proposed covering, filling, or fencing of the excavation are hereby notified to attend a meeting of the (name of the legislative body) of (county, city, or city and county) to be held (give date), when their objections will be heard and given due consideration.

Dated this _____ day of _____, 19___.

_____
Street Superintendent
(County, city, or city and county of _____)

SEC. 9. Section 50238 of the Government Code is amended to read:

50238. At the time stated in the notices, the legislative body shall hear and consider all objections to the proposed covering, filling, or fencing of the abandoned excavation. It may continue the hearing from time to time.

SEC. 10. Section 50239 of the Government Code is amended to read:

50239. By motion or resolution at the conclusion of the hearing the legislative body shall allow or overrule any objections. At that time the legislative body acquires jurisdiction to proceed and perform the work of covering, filling, or fencing the abandoned excavation.

SEC. 11. Section 50241 of the Government Code is amended to read:

50241. If objections have not been made or after the legislative body has disposed of those made, it shall order the superintendent to abate the nuisance by having the abandoned excavation covered, filled, or fenced. The order shall be made by motion or resolution.

SEC. 12. Section 50243 of the Government Code is amended to read:

50243. Before the superintendent arrives, any property owner may cover, fill, or fence the abandoned excavation at his own expense.

SEC. 13. Section 50257 is added to the Government Code, to read:

50257. Anything contained in this article to the contrary notwithstanding, the legislative body shall not require to be filled any abandoned excavation which contains a surface area of more than one-half acre.

CHAPTER 837

An act to amend Section 27203 of, and to add Section 27203.5 to, the Government Code, relating to county records.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 27203 of the Government Code is amended to read:

27203. Any recorder to whom an instrument proved or acknowledged according to law or any paper or notice which may by law be recorded is delivered for record is liable to the party aggrieved for the amount of the damages occasioned thereby, if he commits any of the following acts:

(a) Neglects or refuses to record the instrument, paper, or notice within a reasonable time after receiving it.

(b) Records any instrument, paper, or notice, willfully or negligently, untruly, or in any manner other than that prescribed by this chapter.

(c) Neglects or refuses to keep in his office or to make the proper entries in the indices required by this chapter.

(d) Alters, changes, obliterates or inserts any new matter in any records deposited in his office. The recorder may make marginal notations on the records in his office indicating the affixing of internal revenue stamps to documents subsequent to recordation or the affixing of such stamps to original deeds on file in the office of the registrar of titles.

SEC. 2. Section 27203.5 is added to the Government Code, to read:

27203.5. If the recorder willfully and maliciously commits any of the acts described in Section 27203 or if he derives a personal financial benefit from committing any of those acts, he is liable to the party aggrieved for three times the amount of damages occasioned thereby.

CHAPTER 838

An act to amend Section 2111 of the Public Utilities Code, relating to penalty actions.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 2111 of the Public Utilities Code is amended to read:

2111. Every corporation or person, other than a public utility and its officers, agents, or employees, which or who

knowingly violates or fails to comply with, or procures, aids or abets any violation of any provision of the Constitution of this state relating to public utilities or of this part, or fails to comply with any part of any order, decision, rule, direction, demand, or requirement of the commission, or who procures, aids, or abets any public utility in such violation or noncompliance, in a case in which a penalty has not otherwise been provided for such corporation or person, is subject to a penalty of not less than five hundred dollars ($500) nor more than two thousand dollars ($2,000) for each offense.

CHAPTER 839

An act to amend Sections 55104, 55301, and 55307 of, to add Section 55302 to, and to repeal Sections 55302, 55303, 55304, 55305, and 55306 of, the Water Code, relating to county waterworks districts.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 55104 of the Water Code is amended to read:

55104. The formation petition shall contain:

(a) The name and boundaries of the proposed district to be benefited by the improvement.

(b) A general description of the improvement desired for the purpose of supplying the inhabitants of the district with water, and which may embrace any or all of the following: the acquisition, construction, installation, completion, extension, repair, or maintenance of water works, structures, and appliances, and the acquisition, by purchase, condemnation, contract, lease, or otherwise, of lands, rights-of-way, water, water rights, and water service, necessary or convenient for such purpose.

(c) An estimate of the cost of the proposed improvement and of the incidental expenses in connection therewith.

(d) A request that an election be called in the district for the purpose of submitting to the qualified voters thereof the proposition of forming the district and the incurring of any indebtedness by the issuance of bonds of the district to pay the cost and expenses of the proposed improvement or any part thereof except if the petition be signed by all of the owners of property within the proposed district as such owners are shown upon the last equalized assessment roll, an election need not be requested.

SEC. 2. Section 55301 of the Water Code is amended to read:

55301. The board of supervisors of the county is the governing body of the district unless a board of directors has been appointed under the provisions of this chapter as they existed prior to their repeal at the 1967 Regular Session of the Legislature. Each member of an appointed board of directors in

existence on the effective date of the amendment of this section at the 1967 Regular Session of the Legislature shall continue to serve at the pleasure of the board of supervisors of the county, rather than for the term for which he was appointed.

SEC. 3. Section 55302 of the Water Code is repealed.

SEC. 4. Section 55302 is added to the Water Code, to read:

55302. The board of supervisors of the county may, at any time, dissolve any board of directors governing any district, and thereafter the board of supervisors shall serve as the governing board of the district.

SEC. 5. Section 55303 of the Water Code is repealed.

SEC. 6. Section 55304 of the Water Code is repealed.

SEC. 7. Section 55305 of the Water Code is repealed.

SEC. 8. Section 55306 of the Water Code is repealed.

SEC. 9. Section 55307 of the Water Code is amended to read:

55307. Any board of directors in existence on the effective date of the amendment of this section at the 1967 Regular Session of the Legislature succeeds to and has all the powers conferred upon the board of supervisors in reference to the waterworks district. Except as provided in Section 55302, the board of supervisors shall have no further jurisdiction except the appointment of the board of directors.

CHAPTER 840

An act to amend Section 3280 of the Fish and Game Code, relating to licensed pheasant clubs.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 3280 of the Fish and Game Code is amended to read:

3280. The commission may prescribe regulations authorizing the department to issue a licensed pheasant club license, to include an investigation to the satisfaction of the department that a tract is suitable for the purposes of a licensed pheasant club and the establishment of such a club will not conflict with the public interest.

The license fees shall be one hundred dollars ($100) for a pheasant club of over 500 acres and seventy-five dollars ($75) for a pheasant club of 500 acres or less.

The license shall be issued for a term of one year from June 1, or if issued after the beginning of such period, for the remainder thereof.

The commission may transfer a license to land owned or controlled by the licensee, other than that land specified in the original application, located in the same county as the original land, without any additional fee, if it is satisfied, after investigation, that the new land is suitable for the purposes of the license and such a transfer is not in conflict with the public interest.

CHAPTER 841

An act to amend Section 2030 of the Code of Civil Procedure, relating to interrogatories.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 2030 of the Code of Civil Procedure is amended to read:

2030. (a) Any party may file and serve upon any adverse party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, or body politic, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may be served upon any adverse party at any time after service of the summons or the appearance of such adverse party and without leave of court, except that, if service of interrogatories is made by the plaintiff within 10 days after such service of summons or appearance, leave of court granted with or without notice must first be obtained. The interrogatories shall be answered separately and fully in writing under oath. The answers shall be signed by the person making them; and the party upon whom the interrogatories have been served shall file and serve a copy of the answers on the party submitting the interrogatories within 15 days after the service of the interrogatories, unless the court, on motion and notice and for good cause shown, enlarges or shortens the time. Said answers shall respond to the written interrogatories; or, if any interrogatory be deemed objectionable, the objections thereto may be stated by the party addressed in lieu of response. If the party who has submitted the interrogatories deems that further response is required, he may move the court for an order requiring further response. Such motion must be upon notice given within fifteen (15) days from date of service of the answers or objections. Otherwise, the party submitting the interrogatories shall be deemed to have waived the right to compel answer pursuant to this section. Solely for their information, copies of all interrogatories and of all answers thereto shall be served upon all other parties to the action who have appeared; but the court on motion

with or without notice may waive this requirement if the court determines that enforcement thereof would be unduly expensive, oppressive or burdensome.

(b) Interrogatories may relate to any matters which can be inquired into under subdivision (b) of Section 2016 of this code, and the answers may be used to the same extent as provided in subdivision (d) of Section 2016 of this code for the use of the deposition of a party. Interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered, but the court, on motion of the deponent or the party interrogated, may make such protective order as justice may require. The number of interrogatories or of sets of interrogatories to be served is not limited except as above provided and except as justice requires to protect the party from annoyance, expense, embarrassment or oppression. The provisions of subdivision (b) of Section 2019 of this code are applicable for the protection of the party from whom answers to interrogatories are sought under this section.

(c) When in order to answer an interrogatory it is necessary to make a compilation, abstract, audit or summary of the business records of a party, and such a compilation, abstract, audit or summary does not exist, or if it does exist, it is not in the possession or under control of such party, it shall be a sufficient answer to such interrogatory to so state and to specify the records from which the answer may be derived or ascertained and to afford to the party by whom the interrogatory was proposed reasonable opportunity to examine, audit or inspect such records and to make copies thereof or compilations, abstracts or summaries therefrom.

(d) Service of interrogatories under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

CHAPTER 842

An act to amend Section 85.2 of, and to amend and renumber Section 685.4 of, the Harbors and Navigation Code, relating to research and use of funds.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 85.2 of the Harbors and Navigation Code is amended to read:

85.2. All moneys in the Harbors and Watercraft Revolving Fund shall be available, when appropriated by the Legislature, for expenditures by the Department of Harbors and Water-

craft and the Harbors and Watercraft Commission for the purposes of this division, and Section 656.4 of this code, including refunds, and for expenditure by the Department of Parks and Recreation, Division of Beaches and Parks, for construction of small-craft harbor and boating facilities at sites owned or under the control of the state. The Department of Parks and Recreation shall submit such small-craft harbor and boating facility projects to the Harbors and Watercraft Commission for review and recommendation prior to requesting an appropriation.

Not more than twelve and one-half (12½) percent of the funds appropriated by subdivision (g) of Section 8352 of the Revenue and Taxation Code shall be reapportioned in any year for construction by the Division of Beaches and Parks of small-craft harbor and boating facilities at sites owned or under the control of the state.

SEC. 2. Section 685.4 of said code is amended and renumbered to read:

656.4. The department is authorized to develop a program of public information and research in the interest of reducing loss of life and property in the operation of vessels covered by this chapter.

CHAPTER 843

An act to amend Section 829 of the Corporations Code, relating to directors good faith reliance on financial statements.

[Approved by Governor July 19, 1967 Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 829 of the Corporations Code is amended to read:

829. A director is not negligent within the meaning of Section 825 if he relies and acts in good faith upon a balance sheet or profit and loss statement of the corporation furnished or exhibited to him by the president or the officer of the corporation having charge of or supervision of its accounts, or certified to be correct and according to the books of the corporation by a public accountant, certified public accountant, or firm of public accountants or of certified public accountants selected with reasonable care.

CHAPTER 844

An act to amend Section 139 of the Civil Code, relating to support allowance.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 139 of the Civil Code is amended to read:

139. In any interlocutory or final decree of divorce or in any final judgment or decree in an action for separate maintenance, the court may compel the party against whom the decree or judgment is granted to make such suitable allowance for support and maintenance of the other party for his or her life, or for such shorter period as the court may deem just, having regard for the circumstances of the respective parties and also to make suitable allowance for the support, maintenance and education of the children of said marriage during their minority, specifying in such judgment or decree the name, age and amount of support for each child, and said decree or judgment may be enforced by the court by execution, contempt, or by such order or orders as in its discretion it may from time to time deem necessary.

That portion of the decree or judgment making any such allowance or allowances, and the order or orders of the court to enforce the same may be modified or revoked at any time at the discretion of the court except as to any amount that may have accrued prior to the order of modification or revocation.

Except where the decree or judgment is based upon an integrated property settlement agreement, the court may, upon petition by a husband or former husband, modify or revoke any decree or judgment granting any allowance to such husband's wife or former wife upon proof that the wife is living with another man and holding herself out as his wife, although not married to such man, except as to any amount that may have accrued prior to the order of modification or revocation.

Except as otherwise agreed by the parties in writing, the obligation of any party in any decree, judgment or order for the support and maintenance of the other party shall terminate upon the death of the obligor or upon the remarriage of the other party.

The provisions of any agreement for child support shall be deemed to be separate and severable from all other provisions of such agreement relating to property and support of the wife or husband. All orders for child support shall be law imposed and shall be made under the power of the court to make such orders. All such orders for child support, even when there has been an agreement between the parties on the subject of child support, may be modified or revoked at any time at the

discretion of the court except as to any amount that may have accrued prior to the order of modification or revocation and may be enforced by the court by execution, contempt, or such other order or orders as the court in its discretion may from time to time deem necessary.

The provisions of any agreement for the support of either party shall be deemed to be separate and severable from the provisions of the agreement relating to property. All orders for the support of either party based on such agreement shall be deemed law imposed and shall be deemed made under the power of the court to make such orders. The provisions of any agreement or order for the support of either party shall be subject to subsequent modification or revocation by court order except as to any amount that may have accrued prior to the order of modification or revocation, and except to the extent that any written agreement, or if there is no written agreement, any oral agreement entered into in open court between the parties, specifically provides to the contrary. All such orders of the court for the support of the other party, even if there has been an agreement of the parties, may be enforced by the court by execution, contempt, or by such other order or orders as the court in its discretion may from time to time deem necessary.

The amendments to the second paragraph of this section enacted at the 1959 Regular Session of the Legislature are effective only with respect to property settlement agreements entered into after the effective date of such amendments.

The 1963 amendments to this section apply only with respect to property settlement agreements entered into after the effective date of such amendments.

The 1967 amendments to this section apply only with respect to agreements entered into after the effective date of such amendments.

CHAPTER 845

An act to add Section 10433.1 to the Health and Safety Code, relating to adoptions.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 10433.1 is added to the Health and Safety Code, to read:

10433.1. Notwithstanding other provisions in this article, when a child is adopted by an unmarried man or woman, the new certificate shall, if the adopting parent so requests, reflect the fact that it is a single-parent adoption.

CHAPTER 846

An act to amend Section 267 of the Harbors and Navigation Code, relating to speed of powerboats.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 267 of the Harbors and Navigation Code is amended to read:

267. Every owner, operator, or person in command of any powerboat, is guilty of a misdemeanor who operates it or permits it to be operated at a speed in excess of five nautical miles per hour in any portion of the following areas not otherwise regulated by local rules and regulations:

(a) Within 100 feet of any person who is engaged in the act of bathing. A person engaged in the sport of water skiing shall not be considered as engaged in the act of bathing for the purposes of this section.

(b) Within 200 feet of any:

(1) Beach frequented by bathers.

(2) Swimming float, diving platform, or lifeline.

(3) Way or landing float to which boats are made fast or which is being used for the embarkation or discharge of passengers.

The provisions of this section shall apply to all waters which are in fact navigable by this code.

CHAPTER 847

An act authorizing a grant pursuant to the Davis-Grunsky Act to the San Bernardino Valley Muncipal Water District in connection with the Yucaipa Project.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. The Department of Water Resources is hereby authorized to make a grant to the San Bernardino Valley Municipal Water District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding the amount of two million three hundred fifty-four thousand one hundred twenty dollars ($2,354,120), for recreation and fish and wildlife enhancement in connection with the construction of the Yucaipa Project.

No further legislative approval shall be required with respect to the grant authorized to be made to the district by this act, but the district shall comply with all other requirements of the Davis-Grunsky Act in effect on the date of such grant.

SEC. 2. The maximum amount authorized under Section 1 of this act shall be in addition to any grant made to the district by the department pursuant to paragraph (c) of Section 12884.2 of the Water Code for initial water supply and sanitary facilities.

CHAPTER 848

An act to amend Section 12401 of the Penal Code, relating to tear gas weapons.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 12401 of the Penal Code is amended to read:

12401. "Tear gas" as used in this chapter shall apply to and include all liquid, gaseous or solid substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air, but does not apply to, and shall not include, pesticides, dog repellents and other substances not intended to be used to produce discomfort or injury to human beings.

CHAPTER 849

An act to amend Sections 72606, 72607, 72608, 72640, 72645, 72646, 72647, 72649, 72702, 72702.5, 72703, 72704, 72704.5, 72705, 72706, 72709, 72712, 72751, 72751.1, 72751.5, 72752, 72753, 72754, and 72756 of, and to add Sections 72606.1 and 72606.2 to, the Government Code, relating to courts.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 72606 of the Government Code is amended to read:

72606. Any person who leaves a position enumerated in Articles 2, 3, or 4 of Chapter 9 who immediately prior to such separation, shall have occupied such position for one year or more, shall be allowed a leaving vacation consisting of the number of days earned during the current year and the number of days earned but not taken in the previous year, or

may be allowed an equivalent lump sum payment for such earned vacation in lieu of retaining such person on the payroll. Such person may not be reemployed in any position the compensation for which is an obligation of the County of Los Angeles until the number of days for which he has been paid has elapsed.

SEC. 2. Section 72606.1 is added to the Government Code, to read:

72606.1. Any person occupying a position set forth in Articles 2, 3, or 4 of Chapter 9, which position is subject to the salary adjustment provisions of either Section 72608 or 72704.5, shall be entitled to the same compensatory leaves of absence with pay for overtime service as are provided for an employee of the County of Los Angeles holding a position of equivalent classification. In lieu of such leave of absence such municipal court employee may, and, under the same conditions as such county employee, shall, be paid as extra compensation a percentage of his normal salary equal to the percentage of normal salary payable to such county employee as extra compensation for overtime service in lieu of leave of absence with pay.

SEC. 3. Section 72606.2 is added to the Government Code, to read:

72606.2. Persons appointed to positions enumerated in Articles 2, 3, or 4 of Chapter 9 shall be entitled to the same credit for any period of prior employment by the County of Los Angeles as is allowable for an equal period of prior service in a court position of similar classification.

SEC. 4. Section 72607 of the Government Code is amended to read:

72607. Notwithstanding the numbers and classifications of court officers and attachés specified in Articles 2, 3, and 4 of Chapter 9, Title 8 of the Government Code, the judges of a municipal court in a county having a population of 3,000,000 or over, with the approval of the board of supervisors, may appoint and employ such additional commissioners, officers, and attachés as are necessary to the performance of duties and exercise of powers within the jurisdiction of the court. The compensation of such appointees shall be as provided in such chapter for the same position, or, where not so provided, as may be established by the judges with the approval of the board of supervisors.

The majority of municipal court judges in such county, with the approval of the board of supervisors, may authorize the marshal, and the judges of any municipal court in such county, with such approval, may authorize the clerk of such court, to appoint such additional deputies in any classifications as may be required for the prompt and faithful discharge of the duties of the respective offices. Deputies so appointed shall receive the respective rates of pay provided for existing classifications, or, if there be no such existing clas-

sification for which a pay rate has been established, then they shall receive such rates of pay as shall be established by the judges authorizing such appointments and approved by the board of supervisors.

Appointments made pursuant to this section shall be on an interim basis and shall expire 90 days after the adjournment of the next regular session of the Legislature unless ratified at such session. It is the intention of the Legislature that the provisions of this section be cumulative to, and not in abrogation of, other provisions of law governing the additional or emergency appointment of deputy clerks and deputy marshals.

SEC. 5. Section 72608 of the Government Code is amended to read:

72608. Certain classes of positions prescribed in Articles 2, 3 and 4 of Chapter 9, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Ordinance of Los Angeles County. In order to maintain parity of compensation and employee benefits between such officers and attachés of municipal courts and county employees having commensurate duties and responsibilities and to provide appropriate salary adjustments and employee benefits for related classes of court positions, the provisions of this section shall govern salary adjustments and employee benefits for officers and attachés of municipal courts in Los Angeles County.

On the effective date of any amendment to said ordinance adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto and each other class of court position indented immediately thereunder shall be adjusted an equivalent number of schedules in the salary schedule to which such position is attached. In no event shall such salary adjustments exceed eight schedule numbers of the schedule number that is provided for such position on the effective date of this section. If the level of compensation established by any such salary adjustment is not reflected in the salary schedule number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary schedule number.

TABLE OF POSITIONS

Court classification	County classification
Officer Series	
Inspector Marshal Assistant marshal Chief deputy inspector	Inspector
Captain	Captain
Lieutenant	Lieutenant
Sergeant	Sergeant
Deputy marshal	Deputy sheriff
Administrative Series	
Clerk of two-judge district Clerk (all other judicial districts) Chief deputy (all judicial districts) All positions subject to civil service provisions enumerated in Articles 2, 3 and 4 not listed in this table, except those specified in Section 72704.5.	Division chief, county clerk's office
Branch Supervisor—Courtroom Series	
Deputy clerk V Deputy clerk IV Except equivalency for deputy clerk V is deemed to be two salary schedules above superior court clerk and equivalency for deputy clerk IV is deemed to be two salary schedules below superior court clerk.	Superior court clerk
Stenographic Series	
Intermediate stenographic secretary Judicial secretary Secretary to presiding judge Stenographic secretary Senior stenographic secretary	Intermediate stenographic secretary

Court classification	County classification
Clerical Series	
Deputy clerk II	Intermediate typist-clerk
Deputy clerk I	
Deputy clerk III	
Administrative clerk	
Payroll clerk	
Senior property clerk	
Typist-clerk	

Salary adjustments made pursuant to this section shall be effective until 90 days after the adjournment of the next succeeding regular session of the Legislature.

Officers and attachés of municipal courts in Los Angeles County shall be entitled to all employee benefits including, but not limited to, paid medical plans, parking and cafeteria privileges, longevity pay, shooting allowance, and uniform and equipment allowance, that are provided for or made applicable to the equivalent Los Angeles County employee classification.

SEC. 6. Section 72640 of the Government Code is amended to read:

72640. There shall be one marshal for all municipal courts established in judicial districts in Los Angeles County, who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 75.

SEC. 7. Section 72645 of the Government Code is amended to read:

72645. The marshal shall appoint:

(a) One assistant marshal who shall receive the monthly compensation specified in Schedule 71.

(b) One chief deputy inspector who shall receive the monthly compensation specified in Schedule 67. Upon the occurrence of a vacancy, this position shall cease to exist.

(c) One chief deputy marshal.

SEC. 8. Section 72646 of the Government Code is amended to read:

72646. The marshal shall appoint:

(a) Two inspectors, each of whom shall receive monthly compensation as provided in Schedule 65.

(b) Eleven captains, each of whom shall receive monthly compensation as provided in Schedule 57. One of the positions shall be classified as captain, legal research.

(c) Twenty-four lieutenants, each of whom shall receive monthly compensation as provided in Schedule 51.

(d) Twenty-eight sergeants, each of whom shall receive monthly compensation as provided in Schedule 45.

(e) Three hundred thirty deputies, each of whom shall receive monthly compensation as provided in Schedule 39. Appointments to such positions shall be made from civil service lists resulting from open competitive examinations and shall be at step 2 of said schedule; provided, that notwithstanding

the provisions of Section 72649, deputies appointed after October 1, 1965, shall be subject to a 12-month period of probation.

SEC. 9. Section 72647 of the Government Code is amended to read:

72647. The marshal shall appoint:

(a) One senior stenographic secretary, who shall receive monthly compensation as provided in Schedule 37.

(b) Two intermediate stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 33.

(c) One stenographer-secretary who shall receive monthly compensation as provided in Schedule 27.

(d) One senior property clerk who shall receive monthly compensation as provided in Schedule 31.

(e) Fifty deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 29.

(f) Ninety deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 23.

(g) Twenty-five deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 17. Appointments to said positions shall be at step 4 of said schedule.

(h) Nine administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 33.

(i) Such deputies who shall be keepers as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

(j) One business manager, who shall receive monthly compensation as provided in Schedule 47.

(k) One payroll clerk who shall receive monthly compensation as provided in Schedule 27.

(*l*) Two principal clerks, each of whom shall receive monthly compensation as provided in Schedule 35.

(m) One administrative assistant who shall receive monthly compensation as provided in Schedule 38.

(n) One senior administrative assistant who shall receive monthly compensation as provided in Schedule 44.

Two occupants of a position listed in this section may be assigned to additional duties as matron and during the period of such assignment shall receive compensation at the step rate of a higher numbered schedule which will increase her basic compensation by two steps.

SEC. 10. Section 72649 of the Government Code is amended to read:

72649. Except where this article otherwise provides, the provisions of law succeeding the Municipal and Justice Court Act of 1949 or this code shall govern the appointment and assignment of officers, deputies, and attachés to the offices and positions enumerated in this article, and shall define the rights, benefits, and privileges of the marshals, constables, deputies, and attachés of superseded courts, including the right of such persons to succeed to such offices and positions. All

assistants, deputies, inspectors, and other employees of the Marshal of Municipal Courts, Los Angeles County, may be appointed, removed, suspended, or discharged for cause by the said marshal; subject in such appointment, removal, suspension, or discharge to all civil service provisions applicable to the personnel of the office of Sheriff, Los Angeles County:

(a) Whenever reference to a numbered salary schedule is made in any section of this article, the schedule found in the Salary Ordinance of the County of Los Angeles shall apply.

(b) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule, shall, for the first six months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in step 5 of such schedule.

(c) When any person in the service of the court or of the marshal is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step 1 of such schedule if step 1 is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation. Provided, whenever a person occupying a permanent superior position is supervising a subordinate and the subordinate is receiving compensation at a rate equal to or greater than that which the superior is receiving, the person occupying the superior position shall be entitled to be advanced in steps to the highest salary paid to the highest ranking subordinate which he supervises plus one dollar ($1).

(d) When any person is demoted to another office or position he shall receive the fifth step rate of salary for the position to which he is demoted, except that if such demotion is due to disciplinary action, the appointing power may indicate any step rate of the lower position which provides compensation not higher than that last previously received by such person.

SEC. 11. Section 72702 of the Government Code is amended to read:

72702. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 72 of the salary schedule. Whenever, in addition to his regular duties, the clerk is re-

quired to direct the operation of the courthouse data center, he shall receive, during the term of such assignment, a one-step increase in his basic compensation.

SEC. 12. Section 72702.5 of the Government Code is amended to read:

72702.5. The clerk may appoint one chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 62 of the salary schedule.

SEC. 13. Section 72703 of the Government Code is amended to read:

72703. The clerk may appoint:

(a) One deputy clerk who shall be chief, traffic division, and who shall receive a monthly salary at a rate specified in Schedule 55.

(b) One deputy clerk who shall be chief, civil division, and who shall receive a monthly salary at a rate specified in Schedule 55.

(c) One deputy clerk who shall be chief, criminal division, and who shall receive a monthly salary at a rate specified in Schedule 55.

(d) One deputy clerk who shall be chief, accounting division, and who shall receive a monthly salary at a rate specified in Schedule 53.

(e) Three deputy clerks, assistant division chiefs, each of whom shall receive a monthly salary at a rate specified in Schedule 50.

(f) One deputy clerk who shall be chief, administrative services, and who shall receive a monthly salary at a rate specified in Schedule 55.

(g) One deputy clerk who shall be administrative jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 51.

(h) One deputy clerk who shall be assistant secretary and jury commissioner, who shall receive a monthly salary at a rate specified in Schedule 55.

(i) Four deputy clerks, principal clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 46.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 14. Section 72704 of the Government Code is amended to read:

72704. The clerk may also appoint:

(a) Five deputy clerks grade V, each of whom shall receive a monthly salary at a rate specified in Schedule 46.

(b) Sixty-five deputy clerks grade IV, plus one additional such deputy clerk for each judge in excess of 52 and each commissioner in excess of eight to which the court is or may become entitled by law, each of whom shall receive a monthly salary at a rate specified in Schedule 42.

(c) One deputy clerk, secretary to the presiding judge, who shall receive a monthly salary at a rate specified in Schedule 37. Appointments to said positions shall be at step 3 of said schedule.

(d) Fifteen deputy clerks, judicial secretary, each of whom shall receive a monthly salary at a rate specified in Schedule 33. Appointments to said positions shall be at step 3 of said schedule.

(e) Fifty-five deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 29.

(f) One hundred ten deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 23.

(g) One hundred sixty deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 19. Appointments to such positions shall be at step 3 of the schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule.

SEC. 15. Section 72704.5 of the Government Code is amended to read:

72704.5. The clerk may also appoint the following deputy clerks as needed:

(a) One chief, tabulating operations who shall receive a monthly salary at a rate specified in Schedule 51.

(b) Three supervising tabulating machine operators, each of whom shall receive a monthly salary at a rate specified in Schedule 37.

(c) Five intermediate tabulating machine operators, each of whom shall receive a monthly salary at a rate specified in Schedule 31.

(d) Eight tabulating machine operators, each of whom shall receive a monthly salary at a rate specified in Schedule 27.

(e) Three supervising key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 27.

(f) Sixty-five key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 22.

(g) One EDP principal programmer analyst who shall receive a monthly salary at a rate specified in Schedule 54.

(h) Three EDP senior programmer analysts, each of whom shall receive a monthly salary at a rate specified in Schedule 51.

(i) Thirteen EDP programmer analysts, each of whom shall receive a monthly salary at a rate specified in Schedule 47.

(j) Seven EDP assistant programmer analysts, each of whom shall receive a monthly salary at a rate specified in Schedule 41. Appointments to said positions shall be at step 2 of said schedule.

(k) Six EDP supervising equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 43.

(*l*) Eight EDP senior equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 37.

(m) Twelve EDP equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 31.

(n) Six EDP trainees, each of whom shall receive a monthly salary at the rate specified of step 5 of Schedule 27.

On the effective date of any amendment to the salary ordinance of Los Angeles County adjusting the salary of any position having the same classification as a court position listed in this section, the salary of such listed court position shall be adjusted an equivalent number of schedules in the salary schedule to which it is attached. If the level of compensation established by any such salary adjustment is not reflected in the salary schedule number provided for any court classification, the adjustment shall apply to each position in such classification on the effective date of the act fixing such salary schedule number. Such salary adjustments shall be effective until 90 days after adjournment of the next succeeding regular session of the Legislature.

SEC. 16. Section 72705 of the Government Code is amended to read:

72705. Whenever reference to a numbered salary schedule is made in any section of this article, the schedule found in the salary ordinance of the County of Los Angeles shall apply.

(a) Any deputy clerk of grade I classification who is regularly required to work on Saturdays and Sundays, or any deputy clerk who is required regularly to work a night shift shall receive a one-step increase in basic compensation. A night shift is a tour of duty which commences after 2 p.m. and prior to 6 a.m.

(b) Not more than 11 deputy clerks grade IV, while assigned to duties in divisions of the court requiring greater skill and responsibility, and, at each branch court of three or more divisions, the deputy clerk grade V in charge and one deputy clerk grade III assigned to supervise not less than 15 deputy clerks shall receive compensation at the rate of the next higher numbered salary schedule which will increase such basic compensation by one step, provided that such branch court or division in said branch shall not have more than two deputy clerk positions compensated at the next higher schedule at any one time.

(c) Unless otherwise specifically provided, each person appointed to a position set forth in Sections 72702, 72702.5, 72703, 72704, 72704.5 shall, for the first six months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months' continuous service in a class, the initial rate of com-

pensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in step 5 of such schedule.

(d) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step 1 of such schedule if step 1 is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

(e) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

SEC. 17. Section 72706 of the Government Code is amended to read:

72706. The judges of the municipal court shall appoint as many commissioners, not exceeding eight, as the business of the court requires. Each commissioner shall possess the same qualifications as the law requires of a judge of the court. Within the jurisdiction of the court and under the direction of the judges, each commissioner shall exercise the powers and perform the duties authorized by law to be performed by commissioners of the superior court and such additional powers and duties as may be prescribed by law. Each commissioner shall hold office at the pleasure of the judges and shall receive a monthly salary in the same sum as is paid the Court Commissioners of the Superior Court of the County of Los Angeles; provided, that if the amount of said salary is fixed under a step plan of compensation based upon tenure of service, each incumbent municipal court commissioner on the effective date of this act shall nevertheless receive a salary equal to the top step thereof. In no event shall such salary exceed the salary provided for the judges of the municipal courts. The commissioners shall be ex officio deputy clerks of the court and shall be members of any retirement system which includes attachés of the court.

SEC. 18. Section 72709 of the Government Code is amended to read:

72709. Each official reporter in the municipal court appointed pursuant to Section 72194 shall be an attaché of the

court. In lieu of any other compensation provided by law for his services in reporting testimony and proceedings in the court, each official reporter shall receive a monthly salary in the same sum as is paid official court reporters of the Superior Court of the County of Los Angeles; provided, that if the amount of said salary is fixed under a step plan of compensation based upon tenure of service, the provisions of Section 72705(c) shall apply in fixing the respective salary step placements for official court reporters of the municipal court and any period of appointment as official court reporters pro tempore of the court shall be included as service under this section. In no event shall the salary of an official municipal court reporter exceed the highest salary paid to an official court reporter of the Superior Court of Los Angeles County, and in no event shall the salary exceed the rate specified in step 5 of Schedule 57 of the salary schedule. The salaries of official court reporters shall be paid from the reporters' salary fund.

SEC. 19. Section 72712 of the Government Code is amended to read:

72712. There shall be set aside from the revenue of the court a revolving fund in the amount of eighty thousand dollars ($80,000). The fund shall be known as the reporters' salary fund.

At the time of each monthly distribution of the revenue of the court to the cities within the judicial district and to the county within which the court is established, the clerk of the court shall deduct proportionately from their respective total shares such sum as will, when added to the sum then remaining in the fund, equal eighty thousand dollars ($80,000), and deposit it in the fund.

Deductions from the county's share of the revenue shall be made from that portion of it distributable to the salary fund of the county, and deductions from each city's share shall be made from that portion of it distributable to the general fund of each city.

For the purposes of this section the "revenue" of the court includes all fines, forfeitures, and fees accruing to the cities or the county, except law library fees.

SEC. 20. Section 72751 of the Government Code is amended to read:

72751. In each municipal court district having six judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 58.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 19 Appointment to said positions shall be at step 3 of said schedule.

(b) Ten deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 23.

(c) Eight deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 29.

(d) Eight deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 42.

(e) One deputy clerk, judicial secretary, who shall receive a monthly salary at a rate specified in Schedule 33.

(f) One court accountant who shall receive a monthly salary at a rate specified in Schedule 45.

(g) One jury secretary who shall receive a monthly salary at a rate specified in Schedule 47.

(h) One chief clerk—civil who shall receive a monthly salary at a rate specified in Schedule 47.

(i) One chief clerk—criminal who shall receive a monthly salary at a rate specified in Schedule 47.

(j) One chief clerk—traffic who shall receive a monthly salary at a rate specified in Schedule 47.

(k) One occupant of chief clerk position as set forth in this section shall be designated by the clerk as assistant clerk and shall receive a one-step increase in compensation.

SEC. 21. Section 72751.1 of the Government Code is amended to read:

72751.1. In each municipal court district having five judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 57.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 19. Appointments to said positions shall be at step 3 of said schedule.

(b) Seven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 23.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 29.

(d) Seven deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 42.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 48.

SEC. 22. Section 72751.5 of the Government Code is amended to read:

72751.5. In each municipal court district having four judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 57.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 19. Appointments to said positions shall be at step 3 of said schedule.

(b) Seven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 23.

(c) Eight deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 29.

(d) Six deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 42.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 48.

SEC. 23. Section 72752 of the Government Code is amended to read:

72752. In each municipal court district having three judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 56.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 19. Appointments to said position shall be at step 3 of said schedule.

(b) Seven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 23.

(c) Seven deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 29.

(d) Five deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 42.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 48.

SEC. 24. Section 72753 of the Government Code is amended to read:

72753. In each municipal court district having two judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 56.

The clerk may appoint:

(a) Eight deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 19. Appointments to said positions shall be at step 3 of said schedule.

(b) Six deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 23.

(c) Six deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 29.

(d) Three deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 42.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 48.

SEC. 25. Section 72754 of the Government Code is amended to read:

72754. In each municipal court district having one judge authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judge of the court, who shall receive a monthly salary at a rate specified in Schedule 54.

The clerk may appoint:

(a) Three deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 19. Appointments to said positions shall be at step 3 of said schedule.

(b) Two deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 23.

(c) Two deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 29.

(d) Two deputy clerks grade IV, plus one additional such deputy clerk for each commissioner appointed pursuant to Section 72757, each of whom shall receive a monthly salary at a rate specified in Schedule 42; provided, however, that one of such deputy clerks grade IV whose regular duties shall include the supervision of clerical personnel shall, for the duration of such assignment, receive compensation at the rate of the next higher numbered salary schedule which will increase his basic compensation by one step.

SEC. 26. Section 72756 of the Government Code is amended to read:

72756. Whenever reference to a numbered Salary Schedule is made in any section of this article, the schedule found in the salary ordinance of the County of Los Angeles shall apply

CHAPTER 850

An act to amend Section 1168 of the Penal Code, relating to serving sentences.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 1168 of the Penal Code is amended to read:

1168. Every person convicted of a public offense, for which imprisonment in any reformatory or state prison is now prescribed by law shall, unless such convicted person be placed on probation, a new trial granted, or the imposing of sentence suspended, be sentenced to be imprisoned in a state prison, but the court in imposing the sentence shall not fix the term or duration of the period of imprisonment.

When a defendant has been sentenced to be imprisoned in the state prison and has been committed to the custody of the Director of Corrections, if it is deemed warranted by the diagnostic study and recommendations approved pursuant to Section 5079, the court may recall the sentence and commitment previously ordered and resentence the defendant in the same manner as if he had not previously been sentenced.

CHAPTER 851

An act to add Section 11584 to the Insurance Code, relating to aircraft insurance.

[Approved by Governor July 19, 1967. Filed with Secretary of State July 20, 1967.]

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

SECTION 1. Section 11584 is added to the Insurance Code, to read:

11584. No policy of insurance issued or delivered in this state covering any loss, expense or liability arising out of the ownership, maintenance, or use of an aircraft shall exclude or deny coverage because the aircraft is operated in violation of federal or civil air regulations, or any state law or local ordinance.

This section does not prohibit the use of specific exclusions or conditions in any such policy which relates to any of the following:

(1) Certification of an aircraft in a stated category by the Federal Aviation Administration.

(2) Certification of a pilot in a stated category by the Federal Aviation Administration.

(3) Establishing requirements for pilot experience.

(4) Establishing limitations on the use of the aircraft.

(5) Any person licensed under Division 6 (commencing with Section 11401) of the Agricultural Code with respect to his operation of an aircraft for the purpose of applying pest control materials or substances by dusting, spraying or any other manner whereby such materials or substances are applied through the medium of aircraft.

CHAPTER 852

An act to add Article 3.5 (commencing with Section 21670) to Chapter 4 of Part 1 of Division 9 of the Public Utilities Code, relating to the Airport Land Use Commission.

[Approved by Governor July 21, 1967 Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Article 3.5 (commencing with Section 21670) is added to Chapter 4 of Part 1 of Division 9 of the Public Utilities Code, to read:

Article 3.5. Airport Land Use Commission

21670. There is hereby created in each county containing at least one airport operated for the benefit of the general public and served by an air carrier certified by the Public Utilities Commission or the Civil Aeronautics Board, an Airport Land Use Commission, hereinafter referred to as the "commission." Each commission shall consist of seven members to be selected as follows:

(a) Two representing the cities in the county, appointed by a selection committee comprised of the mayors of all the cities within that county; provided, however, that if there are any cities contiguous or adjacent to the qualifying airport, at least one such representative shall be appointed therefrom. If there are no cities within a county, the number of representatives provided for by subdivisions (b) and (c) shall each be increased by one.

(b) Two representing the county, appointed by the board of supervisors.

(c) Two representing the airports within that county, appointed by a selection committee comprised of the managers of all of the public airports within that county.

(d) One representing the general public, appointed by the other six members of the commission.

If, however, a majority of the selection committee and of the board of supervisors in such county make a determination that adequate provision exists for a continuing review of land use surrounding airports, such commission shall not be created.

21671. In any county where there is an airport operated for the general public, and served by an air carrier certified by the Public Utilities Commission or the Civil Aeronautics Board, which is owned by a city or district in another county or by another county, one of the representatives provided by subdivision (a) of Section 21670 shall be appointed by the mayors of the cities of the county in which the owner of that airport is located, and one of the representatives provided by subdivision (b) of Section 21670 shall be appointed by the board of supervisors of the county in which the owner of that airport is located.

21671.5. Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members is four years. The body which originally appointed a member whose term has expired shall appoint his successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing him. The expiration date of the term of office of each member shall be the first Monday in May in the year in which his term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairman of the commission shall be selected by the members thereof.

Compensation, if any or reimbursement for necessary expenses, or both, shall be determined by the board of supervisors.

Staff assistance, including the mailing of notices and the keeping of minutes, shall be provided by the county.

The commission shall meet at the call of the commission chairman or at the request of the majority of the commission members.

21672. Each commission shall adopt rules and regulations with respect to the temporary disqualification of its members from participating in the review or adoption of a proposal because of conflict of interest and with respect to appointment of substitute members in such cases.

21673. In any county when a commission has not been created by Section 21670, any owner of a public airport may initiate proceedings for the creation of a commission by presenting a request to the board of supervisors that a commission be created and showing the need therefor to their satisfaction.

21674. The commission shall have the following powers and duties, subject to the limitations upon its jurisdiction herein set forth:

(1) To study conditions and make recommendations concerning the need for height restrictions on buildings near airports;

(2) To make recommendations for the use of the land surrounding airports to assure safety of air navigation and the promotion of air commerce.

(3) To hold public hearings regarding the subject matter in subdivisions (1) and (2) and make findings of fact thereon which would be advisory only to the involved jurisdiction.

(4) To make and enforce rules and regulations for the orderly and fair conduct of such hearings.

The powers of the commission shall be advisory only and shall in no way be construed to give the commission jurisdiction over the operation of any airport or jurisdiction over any matters relating to zoning or land use authority of any city or county.

CHAPTER 853

An act to amend Section 75034 of, and to add Section 75035 to, the Government Code, relating to the Judges' Retirement Law.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 75034 of the Government Code, is amended to read:

75034. Notwithstanding any other provision of this chapter, if the service of a judge, who has been elected as such by vote of the people, has been discontinued by any means other than death, resignation, recall, impeachment, or retirement pursuant to this chapter, and who withdrew his accumulated contributions prior to September 9, 1953, he may within one year after October 1, 1961, pay into the Judges' Retirement Fund a sum equal to the amount withdrawn plus interest thereon at the rate of 6 percent per annum from the date of withdrawal to the date of payment. A judge who makes such payment as in this section provided shall, upon his application therefor to the State Controller after attaining age 60, or after making said payment, whichever event last occurs, be retired, and receive a retirement allowance based upon the judicial service with which he is credited, in the same manner as other judges, except that his retirement allowance is an annual amount equal to 5 percent of the compensation payable, at the time payments of the allowance fall due, to the judge holding the office which the

retired judge last held prior to the discontinuance of his service as judge, multiplied by the number of years and fractions of years of service with which the retired judge is entitled to be credited at the time of such discontinuance of his service, not to exceed eight years.

No person, who was on January 1, 1961, drawing a retirement allowance from any public retirement system of this state, shall be eligible for retirement under this section.

SEC. 2. Section 75035 is added to the Government Code, to read:

75035. "Resignation," as used in this article, does not include a resignation, express or implied, which is for the purpose of accepting an elective or appointive public office.

CHAPTER 854

An act to amend Sections 2, 6, and 7 of, and to add Section 9 to, Chapter 1378 of the Statutes of 1965, relating to the Advisory Commission on the Status of Women, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 2 of Chapter 1378 of the Statutes of 1965 is amended to read:

Sec. 2. There is in the state government an Advisory Commission on the Status of Women. The commission shall consist of 17 members: 3 Members of the Senate and one public member appointed by the Senate Committee on Rules, 3 Members of the Assembly and one public member appointed by the Speaker, the Superintendent of Public Instruction, the Chief of the Division of Industrial Welfare in the Department of Industrial Relations, and 7 public members appointed by the Governor, with the consent of the Senate.

SEC. 1.5. Section 6 of Chapter 1378 of the Statutes of 1965 is amended to read:

Sec. 6. The commission shall study the following:

(a) Public and private employment practices relative to women, including, but not limited to, wages, hours of work, leaves of absences and working conditions.

(b) State laws concerning hours, working conditions, benefits, and the like.

(c) State laws in regard to the civil and political rights of women, including pensions, tax requirements, property rights, marriage and divorce provisions, and similar matters.

(d) Educational needs and educational opportunities, particularly in connection with the needs of the mature woman.

(e) The effect of social attitudes and pressures and economic considerations in shaping the roles to be assumed by women in the society.

The commission shall report its findings and recommendations to the Legislature not later than the fifth legislative day of the 1969 Regular Session.

SEC. 2. Section 7 of Chapter 1378 of the Statutes of 1965 is amended to read:

Sec. 7. This act shall be operative only until June 30, 1969.

SEC. 3. Section 9 is added to Chapter 1378 of the Statutes of 1965, to read:

Sec. 9. In addition to the amount appropriated by Section 8 of this act, the sum of thirty-five thousand dollars ($35,000) is hereby appropriated from the General Fund to the Advisory Commission on the Status of Women to carry out the purposes of this act.

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 such necessity are:

In order that the important work of the Advisory Commission on the Status of Women continue without interruption, it is necessary that this act take effect at the earliest possible date.

CHAPTER 855

An act to add Section 24010 to the Vehicle Code, relating to equipment of vehicles.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 24010 is added to the Vehicle Code, to read:

24010. No person engaged in the rental of utility trailers or trailer coaches for use in combination with a passenger vehicle, for periods of 30 days or less, shall rent, lease or otherwise allow the operation of any such utility trailer or trailer coach unless all necessary equipment required by this code and regulations adopted hereunder for the operation of such vehicles in combination has been provided or offered to the lessee for his use. The contract or rental agreement shall include the name of the person from whom the trailer or trailer coach is rented, leased or obtained, the address of his place of business in this state where it is rented, leased or delivered, and a statement of any required equipment refused by the person to whom the trailer or trailer coach is rented, leased, or delivered.

CHAPTER 856

An act to amend Section 11535 of the Business and Professions Code, relating to land development.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more.

(d) In any case provided in subdivisions (c)(1), (c)(2), and (c)(3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area and lot design and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the

recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivisions (b) and (c)(3), and when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

CHAPTER 857

An act to amend Section 1813 of, and to repeal Section 1818 of, the Code of Civil Procedure, relating to sole traders.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 1813 of the Code of Civil Procedure is amended to read:

1813. Ten days prior to the day named in the notice, the applicant must file a verified petition, setting forth:

1. The justification for the application.

2. The nature of the business proposed to be conducted, and the capital to be invested therein, if any, and the sources from which it is derived.

3 That the application is not made to defraud, delay, or hinder any creditor or creditors of the husband of the applicant.

SEC. 2. Section 1818 of the Code of Civil Procedure is repealed.

CHAPTER 858

An act to amend Sections 6875, 6894.2, 6896, 6904, 6906, 6915, 6915.1, 6915.3, 6915.5, 6916, 6916.1, 6922, 6931, and 6949 of, to add Section 6904.1 to, and to repeal Sections 6894.10 and 6904.6 of, the Business and Professions Code, relating to collection agencies.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 6875 of the Business and Professions Code is amended to read:

6875. Application for a license shall be made in writing to, and filed with, the chief in such form as may be required by the chief. In addition to the information or documents required by this chapter, the chief may require the submission of any other information, evidence, statements, or documents.

Every application for a license shall state, among other things that may be required, the name of the applicant with the name under which the applicant will do business, and the location by street and number, city and state of the office of the business for which the license is sought.

No license shall be issued in any fictitious name which may be confused with or which is similar to any federal, state, county, or municipal governmental function or agency, or in any name which may tend to describe any business function or enterprise not actually engaged in by the applicant, or in any name which is the same as or so similar to that of any existing licensee as would tend to deceive the public, or in any name which would otherwise tend to be deceptive or misleading.

SEC. 2. Section 6894.2 of the Business and Professions Code is amended to read:

6894.2. (a) Every person who has not previously registered under this article and who enters the employ of a licensee after the effective date of this article shall file with the chief an application for registration within 60 days after the commencement of such employment.

(b) Each person licensed under this chapter shall notify the chief in writing within 10 days after the commencing and within 30 days after the termination of employment by him of any person required to be registered under this article. The notice shall be on a form prescribed by the chief. A violation of the provisions of this subdivision by a licensee constitutes grounds for the suspension or revocation of his license.

SEC. 3. Section 6894.10 of the Business and Professions Code is repealed.

SEC. 4. Section 6896 of the Business and Professions Code is amended to read:

6896. The bond shall be conditioned that the principal shall and will, upon demand in writing, pay and turn over to or for the use of any customer from whom any claim is taken or received for collection the proceeds of the collection, in accordance with the terms of the agreement made between the principal and the customer, and conditioned that the principal will comply with all requirements of this or any other statute now in force or hereafter enacted and any rules and regulations established under this chapter with respect to the duties, conduct, obligations and liabilities of licensees, and conditioned that, in the event that a receiver is appointed pursuant to a determination made under Section 6904, and such determination becomes final, the principal shall and will pay the fee and expenses of the receiver as determined by the court in the receivership proceedings.

SEC. 5. Section 6904 of the Business and Professions Code is amended to read:

6904. If the director determines that a licensee has wrongfully failed to pay any sum or that a licensee is unable to pay any sum due to a customer, as prescribed in the rules and regulations adopted by a director, he may cause an action to be filed in the superior court in the county in which the licensee is doing business for the purpose of having a receiver appointed, which said action and all proceedings pursuant thereto shall be had under the provisions of Title VII, Chapter 5, Sections 564–570 of the Code of Civil Procedure of the State of California.

SEC. 6. Section 6904.1 is added to the Business and Professions Code, to read:

6904.1. The complaint filed in an action provided for in Section 6904 shall include the name of a person proposed by the director to be appointed the receiver.

SEC. 7. Section 6904.6 of the Business and Professions Code is repealed.

SEC. 8. Section 6906 of the Business and Professions Code is amended to read:

6906. The chief may refuse to issue a license if the applicant, or any partner, director, shareholder, officer, or trustee thereof, or the qualified person who is to be in charge of the business of the applicant or in charge of any office thereof:

(a) Is not of good moral character.

(b) Has been convicted of a crime involving moral turpitude or of illegally using, carrying, or possessing a dangerous weapon.

(c) Has committed any act which would justify the denial of registration under Section 6894.7.

(d) Has had a license revoked for cause, or has been a partner, director, shareholder, officer, trustee, or manager of a partnership, corporation, or unincorporated association, the license of which has been revoked for cause.

(e) Has been disqualified from further employment in the collection agency business pursuant to the provisions of this chapter.

(f) Has committed any act which would justify refusal of permission to take the collection agency examination and to issue a qualification certificate under Section 6886.1.

The chief shall not issue a license unless the business of the applicant is to be placed under the active charge of a qualified person.

SEC. 9. Section 6915 of the Business and Professions Code is amended to read:

6915. On or before the 31st day of January of each year every licensee shall file with the director a financial statement showing:

(a) The total amount of money owing and unremitted to customers as of the close of business on the last day of business of the preceding month,

(b) The total amount on deposit in the licensee's trust account and available for immediate distribution to customers as of the close of business on the last day of business of the preceding month, together with the title of the trust account and the name of the bank where the funds are deposited.

(c) The total amount of the customers' share of all money collected more than 60 days before the last day of business of the preceding month and not remitted on or before the last day of business of the preceding month, and

(d) Where a customer's share of any money collected more than 60 days before the last day of business of the preceding month and not remitted on or before the last day of business of the preceding month exceeds ten dollars ($10), the name of the customer, and the amount of the customer's share of the money collected.

Each statement shall be verified by the qualified person in active charge of the agency.

Any false statement shall constitute prima facie evidence of willful violation of this chapter and be grounds for institution of disciplinary proceedings against the licensee and the person executing the false statement on behalf of the licensee.

SEC. 10. Section 6915.1 of the Business and Professions Code is amended to read:

6915.1. As of the close of its fiscal year or as of June 30 of each year, every licensee shall have its trust accounts audited in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants. On or before 60 days after the end of its fiscal year, or on or before August 31 of each year if the licensee elects to have the audit performed as of June 30, there shall be filed by the licensee with the director a report of examination and audit in which the certified public accountant, or public accountant, shall express an unqualified or qualified opinion or, if appropriate, disclaim an opinion on the statement showing the status of the trust account, in accordance with standards for the accounting profession established

by the rules and regulations of the State Board of Accountancy, except that the preparation of statements without audit will not constitute compliance with his section.

(a) The report of examination and audit shall disclose:

(1) The total amount of money owing and unremitted to the licensee's customers as of the close of business at the audit date.

(2) The total amount on deposit in the licensee's trust account and available for immediate distribution to customers as of the close of business at the audit date, together with the title of the trust account and the name of the bank where the funds are deposited.

(3) The total amount of the licensee's customers' share of any moneys collected more than 60 days before the audit date and not remitted on or before the audit date.

(4) Where a licensee's customer's share of any moneys collected more than 60 days before the audit date and not remitted on or before the audit date exceeds ten dollars ($10), the name of the licensee's customer and the amount of the licensee's customer's share of the moneys collected.

(b) The audit provided for in this section shall be sufficient in scope to enable the accountant to render his opinion as to whether or not current books of the trust account are maintained by the licensee, as required by this chapter and the regulations of the director adopted pursuant to this chapter.

(c) The audit provided for in this section shall not require confirmation or correspondence with any debtor.

(d) Neither the licensee or the accountant retained to perform an audit under the provisions of this section shall be required to submit an audit of a scope enlarged beyond that specified in this section or performed to standards more stringent than those specified in this section.

SEC. 11. Section 6915.3 of the Business and Professions Code is amended to read:

6915.3. Each report of examination and audit shall contain a declaration, which shall be signed by the licensee and the qualified person in charge of the office, stating that under penalty of perjury they have examined the report and to the best of their knowledge and belief it is true and accurate. If the report is not true and accurate in any respect, the licensee and the qualified person shall set forth the exceptions.

SEC. 12. Section 6915.5 of the Business and Professions Code is amended to read:

6915.5. The director may destroy all financial statements and reports of examination and audit which have been on file for a period of at least three years.

The information contained in the financial statement and reports of examination and audit shall be confidential and not a public record, but, where relevant, shall be admissible in evidence in any administrative hearing or judicial action or proceeding.

SEC. 13. Section 6916 of the Business and Professions Code is amended to read:

6916. If the financial statement or report of examination and audit is not filed within the time required, the director shall make written demand therefor by registered mail, with return receipt requested, addressed to the licensee's place of business of record, and if the statement or report is not filed within thirty (30) days after the date of such demand the license of such licensee shall be forthwith revoked.

A financial statement or a report of an examination and audit filed subsequent to its due date and prior to expiration of the 30-day period following written demand therefor shall be accompanied by the delinquency fee provided by Article 12 (commencing with Section 6955). If the delinquency fee is not paid before the expiration of the 30-day period, the license shall be forthwith revoked.

SEC. 14. Section 6916.1 of the Business and Professions Code is amended to read:

6916.1. A license revoked or voided under the provisions of Sections 6900, 6902 or 6916 may be reinstated within six months of the date of revocation upon the application of the licensee, upon his complying with the rules and regulations adopted hereunder and upon the payment of the reinstatement fee provided by Section 6956. Reinstatement of a revoked or voided license does not prohibit the bringing of disciplinary proceedings for any act committed between the date of revocation and the date of reinstatement.

SEC. 15. Section 6922 of the Business and Professions Code is amended to read:

6922. Whenever a person actively in charge of an office to which Section 6921 applies ceases to be in charge, the licensee shall file with the chief notice in writing within 10 days from such cessation.

If the notice is filed, the license shall remain in force for a period of 30 days after the filing of such notice or for such further period as allowed under rules and regulations. At the end of the 30-day period or such additional period if written notice is not given that a qualified person is then actively in charge of the office the license shall be ipso facto suspended.

If the licensee shall fail to give written notice at the end of the 10-day period, the license shall be ipso facto suspended.

A person who performs any act for which a collection agency license is required during the period of such a suspension is subject to the penal provisions of Article 3 of this chapter in addition to the provisions of Article 10.

SEC. 16. Section 6931 of the Business and Professions Code is amended to read:

6931. Any person who has been disqualified for collection agency employment or license or who has had an application for registration denied pursuant to the provisions of this chapter who shall thereafter obtain employment in any capacity in the collection agency business or participate therein as a licensee, as a partner, as a director, trustee, officer or share-

holder of a corporation licensee, or as officer, trustee or director of an unincorporated association licensee without having first been expressly found by the director, after due hearing as provided in this chapter, to be fit to engage in the collection agency business shall be guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars ($1,000) or by imprisonment not exceeding one year or by both fine and imprisonment.

SEC. 17. Section 6949 of the Business and Professions Code is amended to read:

6949. Any licensee may, prior to the suspension or revocation of his or its license, voluntarily surrender his or its license by mailing the license to the chief together with a written statement of such surrender, setting forth the reasons therefor, and a written declaration of the satisfactory disposition of all accounts of the licensee prior to such voluntary surrender, together with a written statement of notification to the licensee's surety company of such voluntary surrender.

CHAPTER 859

An act to amend Sections 22110 and 24951 of the Vehicle Code, relating to motor vehicle turn signals.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 22110 of the Vehicle Code is amended to read:

22110. The signals required by this chapter shall be given either by means of the hand and arm or by a signal lamp, but when the body or load on any vehicle or combination of vehicles projects 24 inches or more to the left of the center of the steering wheel so that a hand and arm signal would not be visible both to the front and rear of such vehicle or combination of vehicles, or under any condition when a hand and arm signal would not be visible both to the front and rear of the vehicle or vehicles, then the vehicle or vehicles shall be equipped with, and signals shall be given by, a signal lamp, except that implements of husbandry need not be equipped with signal lamps, but drivers of implements of husbandry shall give a hand and arm signal when required by this chapter.

SEC. 2. Section 24951 of the Vehicle Code is amended to read:

24951. (a) Any vehicle may be equipped with a lamp-type turn signal system capable of clearly indicating any intention to turn either to the right or to the left.

(b) The following vehicles which are manufactured and first registered on or after January 1, 1958, shall be equipped with a lamp-type turn signal system of a type approved by the department and meeting the requirements of this chapter:

All passenger-type vehicles except motorcycles and motor-driven cycles.

All motortrucks and truck tractors.

All trailers or semitrailers having a gross weight of 6,000 pounds or more.

This requirement does not apply to special mobile equipment or auxiliary dollies.

CHAPTER 860

An act to amend Section 25509 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 25509 of the Business and Professions Code is amended to read:

25509. A distilled spirits manufacturer, a brandy manufacturer, a winegrower, a wine blender, a distilled spirits rectifier, a wine rectifier, a distilled spirits wholesaler or a beer and wine wholesaler who sold and delivered beer, wine, or distilled spirits to a retailer and who did not receive payment for such beer, wine, or distilled spirits by the expiration of the 42nd day from date of delivery shall charge the retailer 1 percent of the unpaid balance for such beer, wine, and distilled spirits on the 43rd day from date of delivery and an additional 1 percent for each 30 days thereafter.

A distilled spirits manufacturer, a brandy manufacturer, a winegrower, a wine blender, distilled spirits rectifier, a wine rectifier, distilled spirits wholesaler or beer and wine wholesaler who sold and delivered beer, wine, or distilled spirits to a retailer and who did not receive payment in full by the expiration of the 30th day from date of delivery or who has not received payment of the 1 percent charge at the expiration of the 30th day from the day the charge became due shall thereafter sell beer, wine, or distilled spirits to said retailer either for cash or by receiving payment in advance of delivery until such time as all payments are received for the beer, wine, or distilled spirits sold and delivered to the said retailer more than 30 days previously.

The 42-day period and the 30-day period provided for in this section shall commence with the day immediately following the date of invoice and shall include all successive days including Sundays and holidays to and including the 42nd or

30th day as the case may be. When the 42nd day from date of invoice or the expiration of each additional 30-day period falls on Saturday, Sunday or legal holiday, the next business day shall be deemed to be the expiration day.

All moneys received from a retailer in payment for any beer, wine, or distilled spirits sold and delivered to him shall be first applied to the payment of the oldest balance on beer, wine, or distilled spirits. All checks received for such payments shall be deposited for collection not later than the second business day following receipt of said check. A promissory note, postdated check or check dishonored on presentation shall not be deemed payment.

CHAPTER 861

An act to amend Section 21160 of, and to add Section 21160.5 to, the Government Code, and to amend Section 14310.5 of, and to add Section 13592.1 to, the Education Code, relating to the retirement systems.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 21160 of the Government Code is amended to read:

21160. Notwithstanding the provisions of Section 21150, any person heretofore or hereafter retired under this part may without reinstatement from retirement or any loss or interruption of benefits under this part, serve as a member of the academic staff of a state college or of the University of California; provided, that such service shall not exceed 90 working days in any one fiscal year, and the compensation payable to such person for such service shall not exceed three thousand dollars ($3,000) in that fiscal year.

SEC. 2. Section 21160.5 is added to the Government Code, to read:

21160.5. A school district or county superintendent of schools may employ any member of this system who has retired under this part, without reinstatement from retirement, for a period of not to exceed 30 working days during a fiscal year, either during an actual emergency to prevent the stoppage of public business or because the retired employee has skills needed in performing work of limited duration. The rate of pay for such employment shall not be less than the minimum nor exceed that paid to other district employees performing comparable duties.

Such employment shall be without loss or interruption of benefits under this part and no additional rights or benefits

under this system shall be extended with respect to such employment.

SEC. 3. Section 13592.1 is added to the Education Code, to read:

13592.1. Notwithstanding the provisions of subdivision (c) of Section 13592, a retired classified school employee may be employed by a school district, but only in accordance with the provisions of Section 21160.5 of the Government Code.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 4. Section 14310.5 of the Education Code is amended to read:

14310.5. Any provisions of this part to the contrary notwithstanding, any person heretofore or hereafter retired for service, whose last employment as a member of the system prior to such retirement was in a state college, may without reinstatement from retirement or any loss or interruption of benefits under this part, serve as a member of the teaching staff of a state college; provided, that such service shall not exceed 90 teaching days in any one fiscal year, and the compensation payable to such persons for such service shall not exceed three thousand dollars ($3,000) in that fiscal year.

CHAPTER 862

An act to amend Section 11622 of the Insurance Code, and to amend Sections 16023, 16059, 16377, 16430, 16435, 16451, 16500, 17151, 17155, and 17709 of the Vehicle Code, relating to financial responsibility for motor vehicle accidents.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 11622 of the Insurance Code is amended to read:

11622. Such plan shall require the issuance of a policy affording coverage in the amount of fifteen thousand dollars ($15,000) for bodily injury to or death of each person as a result of any one accident and, subject to said limit as to one person, the amount of thirty thousand dollars ($30,000) for bodily injury to or death of all persons as a result of any one accident, and the amount of five thousand dollars ($5,000) for damage to property of others as a result of any one accident, or in such minimum amounts as are necessary to provide exemption from the security requirements of Section 16023 of the Vehicle Code or for which proof of ability to respond in damages or adequate protection against liability is other-

wise required by law, but shall not require the issuance of a policy affording coverage in excess of said amounts.

SEC. 2. Section 16023 of the Vehicle Code is amended to read:

16023. The security shall be in the form of money or a bond or their equivalent as determined by the department and shall be in amounts of not more than fifteen thousand dollars ($15,000) because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of not more than thirty thousand dollars ($30,000) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not more than five thousand dollars ($5,000) because of injury to or destruction of property of others in any one accident. A bond or its equivalent, as referred to herein, shall mean a bond or its equivalent conditioned for disbursement in a manner provided in Section 16026.

SEC. 3. Section 16059 of the Vehicle Code is amended to read:

16059. (a) No policy or bond shall be effective under Section 16057 unless issued by an insurance company or surety company authorized to do business in this state, except as provided in subdivision (b) of this section, nor unless the policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than fifteen thousand dollars ($15,000) because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, to a limit of not less than thirty thousand dollars ($30,000) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to, or destruction of property, to a limit of not less than five thousand dollars ($5,000) because of injury to or destruction of property of others in any one accident.

(b) No policy or bond shall be effective under Section 16057 with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing the policy or bond is authorized to do business in this state, or if the company is not authorized to do business in this state, unless it executes a power of attorney authorizing the department to accept service on its behalf of notice or process in any action upon the policy or bond arising out of an accident mentioned in subdivision (a).

SEC. 4. Section 16377 of the Vehicle Code is amended to read:

16377. Every judgment shall for the purposes of this chapter be deemed satisfied:

(a) When fifteen thousand dollars ($15,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, which together total in excess of that amount, for personal injury to or death of one person as a result of any one accident.

(b) When, subject to the limit of fifteen thousand dollars ($15,000) as to one person, the sum of thirty thousand dollars ($30,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, which together total in excess of that amount, for personal injury to or death of more than one person as a result of any one accident.

(c) When five thousand dollars ($5,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, each of which is in excess of one hundred dollars ($100), and which together total in excess of five thousand dollars ($5,000), for damage to property of others as a result of any one accident.

(d) When the judgment debtor or a person designated by him has deposited with the department a sum equal to the amount of the unsatisfied judgment for which the suspension action was taken and presents proof, satisfactory to the department, of inability to locate the judgment creditor.

SEC. 5. Section 16430 of the Vehicle Code is amended to read:

16430. Proof of ability to respond in damages when required by this code means proof of ability to respond in damages resulting from the ownership or operation of a motor vehicle and arising by reason of personal injury to, or death of, any one person, of at least fifteen thousand dollars ($15,000), and, subject to the limit of fifteen thousand dollars ($15,000) for each person injured or killed, of at least thirty thousand dollars ($30,000) for such injury to, or the death of, two or more persons in any one accident, and for damages to property (in excess of one hundred dollars ($100)), of at least five thousand dollars ($5,000) resulting from any one accident. Proof of ability to respond in damages may be given in any manner authorized in this chapter.

SEC. 5.5. Section 16435 of the Vehicle Code is amended to read:

16435. Proof of ability to respond in damages may be given by the deposit with the department of thirty-five thousand dollars ($35,000) which amount shall be deposited in a special deposit account with the State Controller for the purpose of this section. The department shall not accept a deposit of money where any judgment theretofore recovered against such person as a result of damages arising from the operation of any motor vehicle shall not have been paid in full.

SEC. 6. Section 16451 of the Vehicle Code is amended to read:

16451. An owner's policy of liability insurance shall insure the person named therein and any other person, as

insured, using any owned motor vehicle with the express or implied permission of said assured, against loss from the liability imposed by law for damages arising out of ownership, maintenance, or use of such motor vehicle within the continental limits of the United States to the extent and aggregate amount, exclusive of interest and costs, with respect to each motor vehicle, of fifteen thousand dollars ($15,000) for bodily injury to or death of each person as a result of any one accident and, subject to said limit as to one person, the amount of thirty thousand dollars ($30,000) for bodily injury to or death of all persons as a result of any one accident and the amount of five thousand dollars ($5,000) for damage to property of others as a result of any one accident.

SEC. 7. Section 16500 of the Vehicle Code is amended to read:

16500. Every owner of a vehicle used in the transportation of passengers for hire, including taxicabs, when the operation of the vehicle is not subject to regulation by the Public Utilities Commission, shall maintain, whenever he may be engaged in conducting such operations, ability to respond in damages resulting from the ownership or operation of the vehicle and arising by reason of personal injury to, or death of, any one person, of at least fifteen thousand dollars ($15,000), and, subject to the limit of fifteen thousand dollars ($15,000) for each person injured or killed, of at least thirty thousand dollars ($30,000) for such injury to, or the death of, two or more persons in any one accident, and for damages to property of at least five thousand dollars ($5,000) resulting from any one accident. Ability to respond in damages may be maintained by either:

(a) Being insured under a motor vehicle liability policy against such liability.

(b) Obtaining a bond of the same kind, and containing the same provisions, as those bonds specified in Section 16434.

(c) By depositing with the department thirty-five thousand dollars ($35,000), which amount shall be deposited in a special deposit account with the State Controller for the purpose of this section.

(d) Qualifying as a self-insurer under Section 16056.

The department shall return the deposit to the person entitled thereto when he is no longer required to maintain ability to respond in damages as required by this section or upon his death.

SEC. 8. Section 17151 of the Vehicle Code is amended to read:

17151. The liability of an owner, bailee of an owner, or personal representative of a decedent for imputed negligence imposed by this chapter and not arising through the relationship of principal and agent or master and servant is limited to the amount of fifteen thousand dollars ($15,000) for the death of or injury to one person in any one accident and,

subject to the limit as to one person, is limited to the amount of thirty thousand dollars ($30,000) for the death of or injury to more than one person in any one accident and is limited to the amount of five thousand dollars ($5,000) for damage to property of others in any one accident.

SEC. 8.5. Section 17151 of the Vehicle Code is amended to read:

17151. (a) The liability of an owner, bailee of an owner, or personal representative of a decedent imposed by this chapter and not arising through the relationship of principal and agent or master and servant is limited to the amount of fifteen thousand dollars ($15,000) for the death of or injury to one person in any one accident and, subject to the limit as to one person, is limited to the amount of thirty thousand dollars ($30,000) for the death of or injury to more than one person in any one accident and is limited to the amount of five thousand dollars ($5,000) for damage to property of others in any one accident.

(b) An owner, bailee of an owner, or personal representative of a decedent is not liable under this chapter for damages imposed for the sake of example and by way of punishing the operator of the vehicle. Nothing in this subdivision makes an owner, bailee, or personal representative immune from liability for damages imposed for the sake of example and by way of punishing him for his own wrongful conduct.

SEC. 9. Section 17155 of the Vehicle Code is amended to read:

17155. Where two or more persons are injured or killed in one accident, the owner, bailee of an owner, or personal representative of a decedent may settle and pay any bona fide claims for damages arising out of personal injuries or death, whether reduced to judgment or not, and the payments shall diminish to the extent thereof such person's total liability on account of the accident. Payments aggregating the full sum of thirty thousand dollars ($30,000) shall extinguish all liability of the owner, bailee of an owner, or personal representative of a decedent for death or personal injury arising out of the accident which exists by reason of imputed negligence, pursuant to this chapter, and did not arise through the negligence of the owner, bailee of an owner, or personal representative of a decedent nor through the relationship of principal and agent or master and servant.

SEC. 9.5. Section 17155 of the Vehicle Code is amended to read:

17155. Where two or more persons are injured or killed in one accident, the owner, bailee of an owner, or personal representative of a decedent may settle and pay any bona fide claims for damages arising out of personal injuries or death, whether reduced or judgment or not, and the payments shall diminish to the extent thereof such person's total liability on account of the accident. Payments aggregating the full sum of thirty thousand dollars ($30,000) shall extinguish all liability of the

owner, bailee of an owner, or personal representative of a decedent for death or personal injury arising out of the accident which exists, pursuant to this chapter, and did not arise through the negligent or wrongful act or omission of the owner, bailee of an owner, or personal representative of a decedent nor through the relationship of principal and agent or master and servant.

SEC. 10. Section 17709 of the Vehicle Code is amended to read:

17709. No person, or group of persons collectively to whom negligence or willful misconduct is imputed shall incur liability under Sections 17707 and 17708 in any amount exceeding fifteen thousand dollars ($15,000) for injury to or death of one person as a result of any one accident or, subject to the limit as to one person, exceeding thirty thousand dollars ($30,000) for injury to or death of all persons as a result of any one accident or exceeding five thousand dollars ($5,000) for damage to property of others as a result of any one accident.

SEC. 11. Section 17709 of the Vehicle Code is amended to read:

17709. (a) No person, or group of persons collectively, shall incur liability for a minor's negligent or wrongful act or omission under Sections 17707 and 17708 in any amount exceeding fifteen thousand dollars ($15,000) for injury to or death of one person as a result of any one accident or, subject to the limit as to one person, exceeding thirty thousand dollars ($30,000) for injury to or death of all persons as a result of any one accident or exceeding five thousand dollars ($5,000) for damage to property of others as a result of any one accident.

(b) No person is liable under Section 17707 or 17708 for damages imposed for the sake of example and by way of punishing the minor. Nothing in this subdivision makes any person immune from liability for damages imposed for the sake of example and by way of punishing him for his own wrongful conduct.

SEC. 12. Sections 8.5, 9.5, and 11 of this act shall become operative only if Senate Bill No. 244 is enacted by the Legislature at its 1967 Regular Session, in which event Sections 8, 9, and 10 of this act are repealed on the operative date of this act.

SEC. 13. This act shall become operative on July 1, 1968.

CHAPTER 863

An act to amend Section 981 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 981 of the Revenue and Taxation Code is amended to read:

981. All personal property consigned for sale to any person within this state, from any place out of this state, or from another county in this state, shall be assessed, either to the consignee, or to the consignor, or to both, in the county where the property is situated, like other property.

CHAPTER 864

An act to amend Sections 73076, 73084.1, 73084.2, 73084.3, 73084.4, 73084.5, 73085.1, 73085.2, 73085.3, 73085.4, 73085.5, 73085.6, 73086, 73087, 73088, 73089, 73090, and 73090.1 of the Government Code, relating to municipal courts.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 73076 of the Government Code is amended to read:

73076. The following salary schedule shall apply to all persons employed by municipal courts in Alameda County:

Salary Schedule

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
30	376	395	415	436	458
30.5	385	405	425	447	469
31	395	415	436	458	481
31.5	405	425	447	469	493
32	415	436	458	481	505
32.5	425	447	469	493	517
33	436	458	481	505	530
33.5	447	469	493	517	543
34	458	481	505	530	556
34.5	469	493	517	543	570
35	481	505	530	556	584
35.5	493	517	543	570	598
36	505	530	556	584	613
36.5	**517**	**543**	570	598	628

Salary Schedule

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
37	530	556	584	613	644
37.5	543	570	598	628	660
38	556	584	613	644	676
38.5	570	598	628	660	693
39	584	613	644	676	710
39.5	598	628	660	693	727
40	613	644	676	710	745
40.5	628	660	693	727	763
41	644	676	710	745	782
41.5	660	693	727	763	801
42	676	710	745	782	821
42.5	693	727	763	801	841
43	710	745	782	821	862
43.5	727	763	801	841	883
44	745	782	821	862	905
44.5	763	801	841	883	927
45	782	821	862	905	950
45.5	801	841	883	927	974
46	821	862	905	950	998
46.5	841	883	927	974	1023
47	862	905	950	998	1048
47.5	883	927	974	1023	1074
48	905	950	998	1048	1100
48.5	927	974	1023	1074	1127
49	950	998	1048	1100	1155
49.5	974	1023	1074	1127	1184
50	998	1048	1100	1155	1213
50.5	1023	1074	1127	1184	1243
51	1048	1100	1155	1213	1274
51.5	1074	1127	1184	1243	1306
52	1100	1155	1213	1274	1338
52.5	1127	1184	1243	1306	1371
53	1155	1213	1274	1338	1405
53.5	1184	1243	1306	1371	1440
54	1213	1274	1338	1405	1475
54.5	1243	1306	1371	1440	1512
55	1274	1338	1405	1475	1549
55.5	1306	1371	1440	1512	1588
56	1338	1405	1475	1549	1626
56 5	1371	1440	1512	1588	1667

SEC. 2. Section 73084 1 of the Government Code is amended to read:

73084.1. The clerk of the municipal court for the Oakland-Piedmont Judicial District shall receive a monthly salary at the rate specified in schedule number 53.5 of the salary schedule.

SEC. 3. Section 73084.2 of the Government Code is amended to read:

73084.2. The clerk of the municipal court for the Alameda Judicial District shall receive a monthly salary at the rate specified in schedule number 45.5 of the salary schedule.

SEC. 4. Section 73084.3 of the Government Code is amended to read:

73084.3. The clerk of the municipal court for the Berkeley-Albany Judicial District shall receive a monthly salary at the rate specified in schedule number 48.5 of the salary schedule.

SEC. 5. Section 73084.4 of the Government Code is amended to read:

73084.4. The clerk of the municipal court for the San Leandro-Hayward Judicial District shall receive a monthly salary at the rate specified in schedule number 49.5 of the salary schedule.

SEC. 6. Section 73084.5 of the Government Code is amended to read:

73084.5. The clerk of the municipal court for the Fremont-Newark-Union City Judicial District shall receive a monthly salary at the rate specified by schedule number 45.5 of the salary schedule.

SEC. 7. Section 73085.1 of the Government Code is amended to read:

73085.1. Deputy clerks, division chiefs, shall receive a monthly salary at the rate specified in schedule number 46.5 of the salary schedule.

SEC. 8. Section 73085.2 of the Government Code is amended to read:

73085.2. Deputy clerks, chief deputies, shall receive a monthly salary at the rate specified in schedule number 43.5 of the salary schedule.

SEC. 9. Section 73085.3 of the Government Code is amended to read:

73085.3. Deputy clerks grade IV shall receive a monthly salary at the rate specified in schedule number 41.5 of the salary schedule.

SEC 10. Section 73085.4 of the Government Code is amended to read:

73085.4. Deputy clerks grade III shall receive a monthly salary at the rate specified in schedule number 39.5 of the salary schedule.

SEC. 11. Section 73085.5 of the Government Code is amended to read:

73085.5. Deputy clerks grade II shall receive a monthly salary at the rate specified in schedule number 35.5 of the salary schedule, except as otherwise provided in Section 73089.

SEC. 12. Section 73085.6 of the Government Code is amended to read:

73085.6. Deputy clerks grade I shall receive a monthly salary at the rate specified in schedule number 31 5 of the salary schedule. Appointments to such position shall be at step 2 of the schedule.

SEC. 13. Section 73086 of the Government Code is amended to read:

73086. Notwithstanding any other provision of this article, until 90 days after the adjournment of the 1969 Regular Session of the Legislature, whenever a higher compensation is provided for positions in the class of clerk II in the Alameda County classified service, each person holding a position in the class of deputy clerk I specified in this article, shall receive correspondingly higher compensation up to but not exceeding four steps on the pay schedule provided in Section 73076, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of superior court clerk I in the Alameda County classified service, each person holding a position in the class of deputy clerk II specified in this article, shall receive correspondingly higher compensation up to but not exceeding four steps on the pay schedule provided in Section 73076, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of superior court clerk II in the Alameda County classified service, each person holding a position in the classes of deputy clerk III, deputy clerk IV, chief deputy clerk, division chief and clerk specified in this article shall receive correspondingly higher compensation up to but not exceeding four steps on the pay schedule provided in Section 73076, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County.

SEC. 14. Section 73087 of the Government Code is amended to read:

73087. The clerk of the municipal court for the Alameda Judicial District may appoint the following deputy clerks:

(a) One deputy clerk grade IV who shall act as chief deputy.

(b) Three deputy clerks grade III.

(c) Two deputy clerks grade II.

(d) One deputy clerks grade I.

SEC. 15. Section 73088 of the Government Code is amended to read:

73088. The clerk of the municipal court for the Berkeley-Albany Judicial District may appoint the following deputy clerks:

(a) One chief deputy clerk.

(b) Three deputy clerks grade IV.

(c) Five deputy clerks grade III.

(d) Seven deputy clerks grade II.

(e) Two deputy clerks grade I.

SEC. 16. Section 73089 of the Government Code is amended to read:

73089. The clerk of the municipal court for the Oakland-Piedmont Judicial District may appoint the following deputy clerks:

(a) Four deputy clerks, division chiefs, who shall be in charge of the civil division, criminal division, traffic division and accounting division.

(b) Eighteen deputy clerks grade IV.

(c) Twelve deputy clerks grade III.

(d) Thirty-two deputy clerks grade II; provided, that not to exceed nine (9) such deputy clerks may be assigned to perform duties as bail office tellers at the additional compensation of two schedule numbers.

(e) Nineteen deputy clerks grade I.

SEC. 17. Section 73090 of the Government Code is amended to read:

73090. The clerk of the municipal court for the San Leandro-Hayward Judicial District may appoint the following deputy clerks:

(a) One chief deputy clerk.

(b) Five deputy clerks grade IV.

(c) Four deputy clerks grade III.

(d) Eleven deputy clerks grade II.

(e) Six deputy clerks grade I.

SEC. 18. Section 73090.1 of the Government Code is amended to read:

73090.1. The clerk of the municipal court for the Fremont-Newark-Union City Judicial District may appoint the following deputy clerks:

(a) Three deputy clerks grade III.

(b) Four deputy clerks grade II.

(c) Two deputy clerks grade I.

CHAPTER 865

An act to amend Section 730 of the Welfare and Institutions Code, relating to juvenile proceedings.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 730 of the Welfare and Institutions Code is amended to read:

730. When a minor is adjudged a ward of the court on the ground that he is a person described by Section 601, the court may order any of the types of treatment referred to in Section 727, and as an additional alternative, may commit the minor to a juvenile home, ranch, camp or forestry camp. If there is no county juvenile home, ranch, camp or forestry

camp within the county, the court may commit the minor to the county juvenile hall.

When such ward is placed under the supervision of the probation officer or committed to his care, custody and control, the court may make any and all reasonable orders for the conduct of such ward including the requirement that he go to work and earn money for the support of his dependents or to effect reparation and in either case that he keep an account of his earnings and report the same to the probation officer and apply such earnings as directed by the court. The court may impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.

Such ward may be committed to the Youth Authority only upon a proceeding for the modification of an order of the court conducted pursuant to the provisions of Section 777.

CHAPTER 866

An act to repeal Section 161 of the Revenue and Taxation Code, relating to publication of the delinquent list.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 161 of the Revenue and Taxation Code is repealed.

CHAPTER 867

An act to amend Section 25656 of the Business and Professions Code, relating to the mixing and dispensing of alcoholic beverages by females.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 25656 of the Business and Professions Code is amended to read:

25656. Every person who uses the services of a female in dispensing wine or distilled spirits from behind any permanently affixed fixture which is used for the preparation or concoction of alcoholic beverages, or in mixing alcoholic beverages containing distilled spirits, on any premises used for the sale of alcoholic beverages for consumption on the prem-

ises, or any female who renders such services on such premises, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than one hundred dollars ($100) or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.

The provisions of this section do not apply to the dispensing of wine or distilled spirits or to the mixing of alcoholic beverages containing distilled spirits by any on-sale licensee, or to the dispensing of wine or distilled spirits or to the mixing of such beverages by the wife of any licensee on the premises for which her husband holds an on-sale license, or to the dispensing of wine or distilled spirits or to the mixing of such spirits by a female, when she is the sole shareholder or when she and her husband are the sole shareholders of the corporation which holds the on-sale license for the premises.

CHAPTER 868

An act to amend Sections 70046.1, 74662, 74663, 74664, 74665, 74666, and 74674 of the Government Code, relating to courts.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 70046.1 of the Government Code is amended to read:

70046.1. In a county with a population of 600,000 or more and under 700,000, according to the 1960 federal census, the biweekly salary of regular official reporters shall be four hundred seventy-four dollars and forty cents ($474.40) and the compensation of official photographic reporters pro tempore shall be at the rate of forty-five dollars ($45) a day, or any fractional part thereof.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 1.5. Section 74662 of the Government Code is amended to read:

74662. In the San Jose-Milpitas-Alviso Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 49. The clerk may appoint:

(a) 1 chief deputy court clerk who shall receive a salary as specified in range 44.

(b) 3 deputy court clerks, grade IV, each of whom shall receive a salary as specified in range 37.5.

(c) 17 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 36.5.

(d) 25 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 31.5.

(e) 16 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 23.5.

SEC. 2. Section 74663 of the Government Code is amended to read:

74663. In the Santa Clara-Cupertino Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 46. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 41.

(b) 3 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 36.5.

(c) 6 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 31.5.

(d) 3 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 28.5.

SEC. 3. Section 74664 of the Government Code is amended to read:

74664. In the Los Gatos-Campbell-Saratoga Judicial District there shall be one clerk who shall also act as secretary to the judge and who shall receive a salary as specified in range 46. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 41.

(b) 2 deputy court clerks, grade III, who shall receive a salary as specified in range 36.5.

(c) 3 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 31.5.

(d) 3 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 28.5.

SEC. 4. Section 74665 of the Government Code is amended to read:

74665. In the Sunnyvale Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 46. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 41.

(b) 3 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 36.5.

(c) 6 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 31.5.

(d) 3 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 28.5.

SEC. 5. Section 74666 of the Government Code is amended to read:

74666. In the Palo Alto-Mountain View Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 47. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 42.

(b) 7 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 36.5.

(c) 9 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 31.5.

(d) 6 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 28.5.

SEC. 6. Section 74674 of the Government Code is amended to read:

74674. In each of the municipal court districts in the County of Santa Clara except the Los Gatos-Campbell-Saratoga Judicial District official reporters, appointed pursuant to Section 72194 shall be attachés of such courts and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such courts, shall receive a biweekly salary of four hundred seventy-four dollars and forty cents ($474.40), which shall be a charge against the general fund of the county. During the hours which the courts are open for transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

CHAPTER 869

An act to amend Sections 73663 and 73666 of, and to add Section 73667 to, the Government Code, relating to municipal courts.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 73663 of the Government Code is amended to read:

73663. The clerk may appoint, with the approval of the judge, one chief deputy clerk, two deputy clerks III, one deputy clerk II, and five deputy clerks I.

SEC. 2. Section 73666 of the Government Code is amended to read:

73666. The monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the following salary schedule:

Salary Schedule

	Step A	Step B	Step C	Step D	Step E
Clerk	$556	$584	$613	$644	$676
Chief deputy clerk	405	425	447	469	493
Deputy clerk III	395	415	436	458	481
Deputy clerk II	367	385	405	425	447
Deputy clerk I	341	358	376	395	415
Marshal	584	613	644	676	710
Deputy marshal	517	543	570	598	628
Senior clerk-typist-matron	395	415	436	458	481

SEC. 3. Section 73667 is added to the Government Code, to read:

73667. The positions enumerated in Section 73666 are deemed to be equivalent in job and salary level to certain positions in the classified service of the civil service system of the County of Humboldt, or in some instances, to such positions with an upward range adjustment on the salary range schedule of the County of Humboldt. The following table sets forth the court classifications with the equivalent county classifications and appropriate range adjustment, if any, shown opposite thereto:

Court classification	County classification
Clerk	Senior clerk plus 14 ranges
Chief deputy clerk	Senior clerk plus 1 range
Deputy clerk III	Senior clerk
Deputy clerk II	Account clerk
Deputy clerk I	Intermediate clerk
Marshal	Deputy sheriff I plus 5 ranges
Deputy marshal	Deputy sheriff I
Senior clerk-typist-matron	Senior clerk-typist

In the event that the salary for any county classification which is shown above is increased, then the salary for the equivalent court classification shall be automatically increased to the same amount, with an additional upward range adjustment on the salary range schedule of the County of Humboldt when such range adjustment is indicated in the above table. If the salary for any county classification which is shown above is increased prior to the effective date of this section, the resulting salary increase for the appropriate court classification shall become applicable on the effective date of this section. Any salary increase for a court classification which results from this section shall be effective only until 60 days after the adjournment of the Legislature at its next regular session.

CHAPTER 870

An act to amend Section 27550 of the Government Code, relating to county surveyors.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 27550 of the Government Code is amended to read:

27550. The surveyor shall be a licensed land surveyor or registered civil engineer of the state. He shall be elected in the same manner and for the same term as other county officers unless the board of supervisors of the county shall have provided by ordinance for his appointment by the board. If so appointed, he shall serve at the will of the board.

CHAPTER 871

An act to amend Section 28141 of the Government Code, relating to county salaries.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 28141 of the Government Code is amended to read:

28141. In a county of the 41st class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand eight hundred forty dollars ($9,840) a year. He shall devote his full time during office hours to the duties of his office and shall not engage in the private practice of accounting during his term in office.

(b) The district attorney, fifteen thousand seven hundred dollars ($15,700) a year. He shall devote his full time during office hours to the duties of his office and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, six thousand dollars ($6,000) a year for all services rendered as supervisor and as member of the board of equalization. Each supervisor shall also receive ten cents ($0.10) a mile for each mile actually and necessarily traveled when traveling within or without the county on county business. In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and mileage at the rate of ten cents ($0.10) for each mile actually and necessarily traveled from their residences to the county seat.

(e) Grand jurors shall receive seven dollars ($7) for each day's attendance and ten cents ($0.10) for each mile actually traveled. Grand jurors shall also receive, with the approval of the judge of the superior court, expenses incurred by them in the performance of their duties. The fees and mileage shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 872

An act to amend Section 11563 of the Government Code, relating to compensation of state officers.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 11563 of the Government Code is amended to read:

11563. In addition to the salaries provided for them elsewhere in this article, an annual amount of five hundred dollars ($500) shall be paid to each of the following:

(a) President of the Public Utilities Commission.

(b) Chairman of the Adult Authority.

(c) Chairman of the Alcoholic Beverage Control Appeals Board.

(d) Chairman of the Board of Barber Examiners.

(e) Chairman of the Board of Equalization.

(f) Chairman of the Unemployment Insurance Appeals Board.

(g) Chairman of the Water Rights Board.

CHAPTER 873

An act to amend Section 4733 of the Health and Safety Code, relating to compensation of county sanitation district board members.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 4733 of the Health and Safety Code is amended to read:

4733. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his services for each meeting attended by him; provided, that said compensation shall not exceed fifty dollars ($50) for each meeting of the district board attended by him, not to exceed one hundred dollars ($100) in any one month, together with expenses necessarily incurred by him in traveling between his place of residence and the place of meeting. The compensation herein mentioned shall be in addition to any other fees or compensation allowed by law for the other official positions mentioned in Section 4730 that are occupied by members of said district board.

CHAPTER 874

An act to add Section 7785.5 to the Education Code, relating to achievement tests.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 7785.5 is added to the Education Code, to read:

7785.5. The governing board of each school district, in conducting a testing program in the district pursuant to Section 7785 shall be allowed to conduct achievement reading tests at school district expense printed in the Initial Teaching Alphabet for those pupils who are accustomed to learning in that alphabet in lieu of the uniform tests prescribed by Section 7785.

CHAPTER 875

An act to amend Sections 30201, 30210, 30220, and 30636 of the Public Utilities Code, relating to the Southern California Rapid Transit District.

[Approved by Governor July 21, 1967 Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 30201 of the Public Utilities Code is amended to read:

30201. The board of directors shall consist of eleven (11) members appointed as follows:

Five (5) by the Board of Supervisors of the County of Los Angeles, who, in the discretion of such board of supervisors,

may or may not be members of such board of supervisors, but each of whom shall be a resident of a different supervisorial district.

Two (2) by the Mayor of the City of Los Angeles, subject to confirmation by the City Council of the City of Los Angeles, who may or may not be members of such city council, but each of whom shall be a resident of such city.

Four (4) by the city selection committee, who, in the discretion of such committee, may or may not be members of such committee and may or may not be elected city officials, but each of whom shall be a resident of a different city and none of whom shall be residents of the City of Los Angeles. The city selection committee may adopt rules and regulations grouping or combining the areas of the cities within the district except the City of Los Angeles into corridors based on existing or proposed transit lines or in any other manner regardless of contiguity. The rules and regulations may provide that members of the board of directors to be selected by the city selection committee shall be residents of the corridors or other groupings so determined. The terms of office of the four (4) members of the board of directors appointed by the city selection committee at its first annual meeting held hereafter shall be assigned by lot after appointment to staggered terms of one, two, three and four years in that order and thereafter the terms of office of such members of the board of directors shall be for four years. An appointment to fill a vacancy shall be for the unexpired portion of the term.

SEC. 1.5. Section 30210 of the Public Utilities Code is amended to read:

30210. Each member of the city selection committee shall be appointed by a resolution adopted by the governing body of the appointing body. Certified copies of all resolutions of appointment, together with notices of appointment made thereby, shall be forwarded without delay to the secretary of the district

SEC. 2. Section 30220 of the Public Utilities Code is amended to read:

30220. Members of the board of directors who are not members of the Board of Supervisors of the County of Los Angeles or members of the City Council of the City of Los Angeles shall, at the first meeting of the board of directors be assigned by lot so far as possible staggered terms of one, two, three and four years in that order and thereafter the terms of such members of the board of directors shall be four years.

SEC. 3. Section 30636 of the Public Utilities Code is amended to read:

30636. As soon as practicable after the effective date of this part, the board shall cause a preliminary report to be made as to a rapid transit service and system which shall include:

(a) The estimated cost of the proposed acquisition, and construction and all incidental expenses connected therewith.

(b) The probable sources of income from the system and the estimated amount thereof.

(c) The estimated cost of maintenance and operation thereof.

(d) The proposed method or methods of financing.

(e) Any other information deemed pertinent, including, without limitation, a preliminary sketch or sketches, plan or plans or design of stations, platforms, terminals, structures and facilities constituting a method of rapid transit (all of the foregoing being hereafter referred to in this section by the word "facilities"), the proposed locations thereof and the proposed routes of the system.

The district shall, in connection with the studies necessary to determine the possible routes and locations for the said facilities, confer with the appropriate local governing bodies and other agencies that may be affected thereby and with their technical and planning personnel, obtaining where available any master or general plan in the affected areas.

The district shall give written notice of the preliminary report to each affected city or county that it may, within a period prescribed by the district (which period shall not be less than sixty (60) days), submit comments or evidence as to the effect that the design, location and routes of said facilities would have in their areas, including, without limitation, the effect upon property values, state and local facilities, and city street and county highway traffic.

When sufficient information has been accumulated to permit intelligent discussion, the district shall publicize and hold such public meeting or meetings as may be reasonably necessary to acquaint interested individuals, officials and civic or other groups with the studies made and the information developed and to obtain their views with respect to the preliminary report.

Using the information developed the district shall then prepare a final report containing the foregoing subdivisions (a) to (e) and such other matters deemed pertinent, including, without limitation, the information obtained at conferences and meetings, the relationship between all proposed routes and locations of such facilities and any master or general plans of the affected local agency or agencies and any information submitted by affected cities or counties pursuant to this section. The final report shall conclude with a recommendation as to the routes, location and design of such facilities.

The district shall serve written notice of the final report to each affected city or county that it may, within a period to be prescribed by the district (which period shall be not less than sixty (60) days), request a public hearing. Such notification shall include a statement that the district will hold a public hearing, if requested to do so by the governing body, within thirty (30) days following receipt of such written notification by the governing body; provided, however, that if, prior to receipt of such notification from the district, the governing

body or bodies shall have, by resolution, declared that no public hearing by the district is necessary, then the notification by the district shall advise such governing body only of the intention of the district to consider the matter.

If any such governing body requests such hearing, the district shall hold a hearing, after public notice given in such manner as the district may determine, at which time and place all persons, and official bodies and other organizations interested in the matter, shall be afforded an opportunity to be heard. The district may also, on its own motion, call a public meeting or hold such hearings as it may deem appropriate. If no hearing is requested, the district may determine the routes, locations and design for the said facilities within the limits of the cities or counties to which the notice required by this section was given after the expiration of such period of thirty (30) days. If a hearing is requested, the district must determine the routes, location and design for said facilities within the limits of the cities or counties to which the notice required by this section was given within ninety (90) days after the first day on which such hearing is held.

This section is not intended to require in any report or reports made under the section prior to a bond election for the acquisition and construction of a line or lines or system (or such part thereof as the board determines to call a bond election on, and whether such report or reports be designated preliminary or final) detailed plans and specifications such as would be necessary for the acquisition and construction of the facilities or any part thereof, nor is it the intent of this section to prevent the district from taking advantage in the final plans and specifications of any technological advances, if the same occur, or from making changes due to additional information based on the results of surveys, experiments or tests.

Failure to comply in whole or part, or any defect in compliance with this section prior to a bond election, shall not affect the validity of the bond election or of the bonds, but as to any line to be acquired or constructed from the proceeds of the bonds this section must be substantially complied with prior to the expenditure of the proceeds of the bonds on such line, and no substantial change in any route theretofore determined following the procedure required by this section may be made without holding further hearings pursuant to notice given in such manner as the district may determine if the proposed change in the route is objected to by any city or county affected thereby.

CHAPTER 876

An act to amend Section 23661.5 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 23661.5 of the Business and Professions Code is amended to read:

23661.5. A person who manufactures or produces wine or beer outside of this state, but within the United States, in accordance with the requirements of the laws of the United States, may transport such wine or beer into this state, in a vehicle owned and operated by the manufacturer or producer or operated by him pursuant to a lease the term of which is not less than 30 days, for delivery to a licensee who is authorized under this division to import the wine or beer into this state, if:

(a) The delivery is made at the premises of the licensee or to a licensee or a licensed customs broker at the premises of a public warehouse licensed under this division; and

(b) The manufacturer or producer holds a manufacturer's interstate alcoholic beverage transporter's permit under Section 32110 of the Revenue and Taxation Code.

CHAPTER 877

An act to amend Section 233 of the Civil Code, relating to court proceedings.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 233 of the Civil Code is amended to read:

233. Any interested person may petition the superior court of the county in which a minor person described in Section 232 resides or in which such minor person is found or in which any of the acts constituting abandonment, neglect, cruelty or habitual intemperance occurred, for an order or judgment declaring such minor person free from the custody and control of either or both of his parents. There shall be no filing fee charged for any action instituted in accordance with this section. Upon the filing of such petition, the clerk of the court shall immediately notify the juvenile probation officer who shall immediately investigate the circumstances of said minor person and the circumstances which are alleged to bring said

minor person within any of the provisions of Section 232. The juvenile probation officer shall render to the court a written report of his investigation with a recommendation to the court of the proper disposition to be made in the action in the best interests of said minor person. The court shall receive such report in evidence and shall read and consider the contents thereof in rendering its judgment.

CHAPTER 878

An act to amend Section 1430 of the Probate Code, relating to minors' estates.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 1430 of the Probate Code is amended to read:

1430. If a minor has no guardian of his estate, money belonging to the minor not exceeding the sum of two thousand dollars ($2,000) or other property belonging to the minor not exceeding two thousand dollars ($2,000) in value may be paid or delivered to a parent of the minor entitled to the custody of the minor to hold for the minor until his majority, upon written assurance verified by the oath of such parent that the total estate of the minor does not exceed two thousand five hundred dollars ($2,500) in value; and the written receipt of such parent shall be an acquittance of the person making such payment of money or delivery of other property. In computing the "total estate of the minor" for purposes of this section such parent may deduct "custodial property" held pursuant to the "California Gift to Minors Act" or the "California Gifts of Securities to Minors Act" and any money or property subject to court order pursuant to Sections 1431 and 1510 of this code and Section 372 of the Code of Civil Procedure.

CHAPTER 879

An act to add Chapter 9 (commencing with Section 3450) to Division 4, of the Health and Safety Code, relating to tuberculosis tests.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Chapter 9 (commencing with Section 3450) is added to Division 4 of the Health and Safety Code, to read:

CHAPTER 9. TUBERCULOSIS TESTS

3450. No person shall be employed by a private or parochial elementary or secondary school, or any nursery school unless such person produces or has on file with the school a certificate showing that within the last two years such person has been examined and has been found to be free of communicable tuberculosis.

"Certificate" as used in this chapter, means a document signed by the examining physician and surgeon who is licensed under Chapter 5 (commencing with Section 2000), Division 2 of the Business and Professions Code, or a notice from a public health agency or unit of the Tuberculosis Association which indicates freedom from active tuberculosis.

3451. The examination shall consist of at least an X-ray of the lungs, or an approved intradermal tuberculosis test, which, if positive, shall be followed by an X-ray of the lungs.

3452. The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a licensed physician and surgeon.

3453. The school shall maintain a file containing an up-to-date certificate for each person covered by this chapter. It shall be the duty of the county health officer of each county to insure that the provisions of this chapter are complied with.

3454. All volunteers in schools covered under this chapter shall also be required to have on file with the school a certificate showing that within the last two years such person has been examined and has been found to be free of communicable tuberculosis.

3455. Nothing in this chapter shall prevent the school from requiring more extensive or more frequent examinations.

CHAPTER 880

An act to add Sections 8956 and 10055 to the Revenue and Taxation Code, relating to use fuel and motor vehicle transportation license taxes.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 8956 is added to the Revenue and Taxation Code, to read:

8956. If, at the time a person ceases to be a user or vendor under this part, the board holds security pursuant to Section 8951 in the form of cash, government bonds, or insured deposits in banks or savings and loan institutions, such security when applied to the account of the taxpayer shall be deemed to be a payment on account of any liability of the taxpayer

to the board on the date the person ceases to be a user or vendor under this part.

SEC. 2. Section 10055 is added to the Revenue and Taxation Code, to read:

10055. If at the time a person ceases to be an operator under this part, the board holds security pursuant to Section 10050 in the form of cash, government bonds, or insured deposits in banks or savings and loan institutions, such security when applied to the account of the taxpayer shall be deemed to be a payment on account of any liability of the taxpayer to the board on the date a person ceases to be an operator.

CHAPTER 881

An act to add Sections 6561.5, 7710.5, 8851.5, 9926.5, 30261.5, 32301.5, 32302, 32303, 32304, 32305, and 32306 to, and to amend Sections 32301 and 32312 of, the Revenue and Taxation Code, relating to state taxes.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 6561.5 is added to the Revenue and Taxation Code, to read:

6561.5. 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 upon the petition for redetermination.

SEC. 2. Section 7710.5 is added to the Revenue and Taxation Code, to read:

7710.5. 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 upon the petition for redetermination.

SEC. 3. Section 8851.5 is added to the Revenue and Taxation Code, to read:

8851.5. 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 upon the petition for redetermination.

SEC. 4. Section 9926.5 is added to the Revenue and Taxation Code, to read:

9926.5. 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 upon the petition for redetermination.

SEC. 5. Section 30261.5 is added to the Revenue and Taxation Code, to read:

30261.5. 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 upon the petition for redetermination.

SEC. 6. Section 32301 of the Revenue and Taxation Code is amended to read:

32301. Any person from whom an amount is determined to be due under Article 2 or 3 of this chapter or any person directly interested may petition for a redetermination thereof within 30 days after service upon him of notice of the determination. If a petition for redetermination is not filed within the 30-day period, the amount determined to be due becomes final at the expiration thereof.

SEC. 7. Section 32301.5 is added to the Revenue and Taxation Code, to read:

32301.5. 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 upon the petition for redetermination.

SEC. 8. Section 32302 is added to the Revenue and Taxation Code, to read:

32302. If a petition for redetermination is filed within the 30-day period, the board shall reconsider the amount determined to be due, and if the person has so requested in his petition, shall grant him an oral hearing and shall give him 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.

SEC. 9. Section 32303 is added to the Revenue and Taxation Code, to read:

32303. The board may decrease or increase the amount of the determination. The amount of the determination may be increased, however, only if claim for the increase is asserted by the board at or before the hearing.

SEC. 10. Section 32304 is added to the Revenue and Taxation Code, to read:

32304. The order or decision of the board upon a petition for redetermination shall become final 30 days after service upon the petitioner of notice thereof.

SEC. 11. Section 32305 is added to the Revenue and Taxation Code, to read:

32305. All amounts determined to be due by the board under Article 2 or 3 of this chapter are due and payable at the time they become final, and if not paid when due and payable, there shall be added thereto a penalty of 10 percent of the amount determined to be due.

SEC. 12. Section 32306 is added to the Revenue and Taxation Code, to read:

32306. Any notice required by this section shall be served personally or by mail in the same manner as prescribed for service of notice by Section 32271

SEC. 13. Section 32312 of the Revenue and Taxation Code is amended to read:

32312. The taxpayer against whom a jeopardy determination is made may file a petition for the redetermination thereof, pursuant to Article 4 of this chapter, with the board within 10 days after the service upon him of notice of the determination, but he shall within the 10-day period deposit with the board such security as it deems necessary to insure compliance with the provisions of this part. The security may be sold by the board at public sale if it becomes necessary in order to recover any amount due under this part Notice of the sale may be served upon the person who deposited the security personally or by mail in the same manner as prescribed for service of notice by Section 32271. Upon any such sale, the surplus, if any, above the amount due under this division shall be returned to the person who deposited the security.

CHAPTER 882

An act to amend Section 1822 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 1822 of the Revenue and Taxation Code is amended to read:

1822. If any county, city and county, or municipal corporation desires to secure a review, equalization, or adjustment of the assessment of its property by the board in pursuance of Section 1 of Article XIII of the State Constitution, it shall apply to the board therefor in writing on or before the third Monday in July, or within two weeks after the completion and delivery by the assessor of the local roll containing such assessment to the clerk of the board of supervisors as provided in Section 617, whichever is the later. If the assessment objected

to is one made outside the regular period for such assessments, the application for review shall be filed with the board within two weeks from the date the tax bill is mailed to the assessee.

Every application shall show the facts claimed to require action of the board, and a copy thereof shall be filed with the assessor whose assessment is questioned. Upon receipt of a timely application the board shall afford the applicant notice and a hearing in accordance with such rules and regulations as the board may prescribe.

CHAPTER 883

An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to property taxation.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. As used in this act "taxing agency" includes the state, county, and city. "Taxing agency" also includes every district that assesses property for taxation purposes and levies taxes or assessments on the property so assessed.

SEC. 2. As used in this act "revenue district" includes every city and district for which the county officers assess property and collect taxes or assessments.

SEC. 3. Every act and proceeding heretofore taken by any taxing agency or revenue district or the officers thereof relative to preparing, transmitting, computing, determining or fixing the budget or the tax rate or rates of any taxing agency or revenue district, or to the assessment or equalization of property or to the levy of taxes thereon or to tax sales or certificates of tax sales, tax deeds or other conveyances, are hereby confirmed, validated and declared legally effective.

SEC. 4. (a) This act is limited to the correction of defects, irregularities and ministerial errors which the Legislature originally could have omitted from the statutory requirements of law under which the acts hereby confirmed, validated and declared legally effective were taken.

(b) This act is limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) This act shall not operate to confirm, validate, or legalize any act, proceeding or other matter the legality of which is being contested or inquired into in any legal proceeding, now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding or other matter

which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

SEC. 5. If any provisions of this act or its application to any person or circumstances is held invalid, the remainder of the act and the application of its provisions to other persons or circumstances is not affected.

CHAPTER 884

An act to add Section 1748 to the Code of Civil Procedure, relating to conciliation proceedings.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 1748 is added to the Code of Civil Procedure, to read:

1748. Upon order of the judge of the conciliation court, the counselor of conciliation may destroy any record, paper or document filed or kept in the office of the counselor of conciliation which is more than two years old. In his discretion the judge of the conciliation court may order the microfilming of any of such record, paper or document.

No record, paper or document shall be ordered destroyed pursuant to the provisions of this section until 30 days after notice of such proposed action has been mailed to all attorneys of record and to all parties not having an attorney of record. Such notice is complete upon mailing of written notice by the clerk, or by the court if there is no clerk, to the attorney, or to the party if he has no attorney. at his last address shown in the file.

CHAPTER 885

An act to amend Section 21024 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 21024 of the Government Code is amended to read:

21024. The application shall be made only (a) while the member is in state service, or (b) while the member, who makes contributions under Section 20891.1 or for whom contributions will be made under Section 20894.5, is absent on military

service, or (c) within four months after the discontinuance of the state service of the member, or while on an approved leave of absence, or (d) while he is physically or mentally incapacitated to perform his duties from the date of discontinuance of state service to the time of application or motion. On receipt of an application the board shall, or of its own motion it may, order a medical examination of a member who is otherwise eligible to retire for disability to determine whether he is incapacitated for the performance of duty.

CHAPTER 886

An act to amend Section 14061 of the Education Code, relating to teachers' military duty service credit.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 14061 of the Education Code is amended to read:

14061. The member shall receive credit for time during which he serves in the active military service of the United States or of the state including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full-time paid service of the American Red Cross rendered prior to September 10, 1957, during war with any foreign power or during other national emergency, or in time of peace if he is drafted for such service by the United States government, if he was employed in a status requisite for membership, or in a status, time served in which is included in this chapter (commencing at Section 13801), within one year prior to entering such service. Time during which a member for other cause, is absent without compensation, on leave or otherwise, shall not be included except as provided in Section 14059. Time included under this section shall be considered as served in the state in which the member was last employed before entering such service.

Notwithstanding other provisions of this chapter (commencing at Section 13801), a member who has voluntarily requested or hereafter so requests or agrees to an extension of his original term of enlistment, service, or tour of duty shall not receive credit for time during which he serves in such military service and which is after January 1, 1958, or after the expiration of six months following the date of termination of such original term of enlistment, service, or tour of duty, whichever is later. In no event shall a member receive credit for more than four years of such military service rendered after July 1, 1968.

For the purposes of this section war with a foreign power exists: (a) whenever Congress has declared war and peace has not been formally restored; (b) whenever the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared; or (c) whenever the United States is assisting the United Nations, in actions involving the use of armed force, to maintain or restore international peace and security.

CHAPTER 887

An act to add Section 32002.6 to the Health and Safety Code, relating to the formation of districts.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 32002.6 is added to the Health and Safety Code, to read:

32002.6. Notwithstanding the provisions of Section 54902 of the Government Code, local hospital districts formed under this division may file the statement and map or plat required by Section 54902 of the Government Code on or before April 10, 1967, for the fiscal year 1967–1968.

CHAPTER 888

An act to amend Section 26020 of the Government Code, relating to airports.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 26020 of the Government Code is amended to read:

26020. As a necessary adjunct to aerial transportation and the use of aerial highways, the board of supervisors may provide and maintain public airports and landing places for aerial traffic for the use of the public. For such purposes the board of supervisors may:

(a) Acquire by purchase, condemnation, donation, lease, or otherwise real or personal property, either within or without the incorporated territory of municipalities, necessary for such purposes, and improve, construct, reconstruct, lease, furnish, refurnish, use, repair, maintain, and control the property, including buildings, structures, and lighting and other equipment and facilities necessary for such use.

(b) Provide all necessary custodians, employees, attendants, and supplies for the proper maintenance of the property for the purposes specified in this section.

(c) In addition to all other taxes, levy in any year a special tax not to exceed three mills ($0 003) on the one dollar ($1) of assessed valuation on all taxable property in the county, the proceeds of which may be accumulated for not to exceed five years for use in carrying out the purposes of this section. A county board of supervisors shall not levy an airport tax as provided for by this section on any airport district formed pursuant to the "California Airport District Act" (Part 2 (commencing with Section 22001) of Division 9 of the Public Utilities Code).

(d) Establish a fund or funds for such purposes and appropriate and transfer from the general fund to such fund or funds from time to time such money as it deems necessary.

(e) In the manner provided by law, incur a bonded indebtedness on behalf of the county.

CHAPTER 889

An act to add Section 23826 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 23826 is added to the Business and Professions Code, to read:

23826. Notwithstanding any other provision of this chapter, in any county where the inhabitants number less than 2,500 and where on July 1 of any calendar year there exists in any such county none or only one on-sale general license and none or only one off-sale general license the department may issue one additional original on-sale general license and one additional original off-sale general license during the following 12-month period.

In issuing the licenses provided for in this section, the department shall follow the procedure set forth in Section 23961.

A license issued pursuant to this section shall not be transferred from one county to another.

CHAPTER 890

An act to amend Section 28112 of the Government Code, relating to county salaries.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 28112 of the Government Code is amended to read:

28112. In a county of the 12th class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand six hundred dollars ($9,600) a year.

(b) The district attorney, twenty-three thousand dollars ($23,000) a year and actual traveling expenses while away from his office on county business. He shall hold no other county office.

(c) Each supervisor, ten thousand five hundred dollars ($10,500) a year, and his actual traveling expenses from his residence to the place of meeting of the board at the county seat when attending board meetings and the necessary actual expenses incurred by him while engaged in county business. Each supervisor shall be available for the performance of the duties of his office at all times during county business hours. Each supervisor shall spend one day in each week, other than the day the board is officially in session, at the office of the board in the county courthouse. The particular day which each supervisor shall be on duty shall be determined by unanimous agreement of the board, or if they do not agree then by lot, so that a supervisor will be on duty on Tuesday, Wednesday, Thursday, and Friday of each week.

(d) For acting as a grand juror, each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, six dollars ($6) a day and ten cents ($0.10) for each mile actually traveled in the performance of such duties, together with other actual and necessary expenses. No mileage shall be allowed for traveling outside of the county.

Trial jurors in the superior court, municipal court and justice courts shall receive for each day's required attendance in court, five dollars ($5), and eight cents ($0.08) for each mile from their residence to and from the place where the court is held, to be allowed only for each day the jurors are required to and do attend.

CHAPTER 891

An act to amend Section 1192.1 of the Code of Civil Procedure, relating to mechanics' liens.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 1192.1 of the Code of Civil Procedure is amended to read:

1192.1. (a) Any materialman or person furnishing materials, provisions, provender, or other supplies used in, upon, for, or about the performance of work contracted to be executed or performed to which Chapter 3 of Division 5, Title 1 of the Government Code applies, except the prime contractor, or any person, excluding the prime contractor, renting or hiring teams or implements or machinery for or contributing to the work to be done, or any person, except the prime contractor, who performed work or labor upon the same or any person, except the prime contractor, who supplies both work and materials, and whose claim has not been paid by the contractor or person to whom the contract has been awarded, or by the subcontractors of the contractor or person, may at any time, after he has furnished material or ceased to perform labor, or both, and before the expiration of the periods within which claims of lien must be filed for record as prescribed by this section or by Section 1193.1, file with the public agency, body or officer by whom the contract was awarded, or with the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract, a verified statement of such claims, together with a statement that the same have not been paid.

(b) Except as to contracts awarded under the State Contract Act, Chapter 3, Part 5, Division 3, Title 2 of the Government Code, a cessation of labor on any work of improvement at any time after the commencement thereof, for a continuous period of 30 days or more, shall be deemed a completion of the contract, structure, or work of improvement. Within 10 days after the acceptance of completion by resolution, minute order or other official act of the awarding authority or by any officer or employee to whom the awarding authority has delegated appropriate authority of any contract, structure, or work of improvement to which Chapter 3 of Division 5, Title 1 of the Government Code applies, the state, or any public board, commission, or officer thereof, or any political subdivision thereof, may file for record in the office of the county recorder of the county or counties where the property is situated a notice setting forth the date when the project was accepted or on which cessation from labor occurred, together with the name of the state or such public board, commission, or officer thereof, or such political subdivision thereof, and a descrip-

tion of the property or public work or structure sufficient for identification, and the name of the contractor or contractors, and the names of the sureties, if any. The notice shall be verified by some officer of the state or some member of such board, commission, or officer thereof, or of such political subdivision thereof. If the notice is not so filed, the failure to do so has the same effect as is provided in Section 1193.1 with reference to the "owner." In the case of any contract awarded under the provisions of the State Contract Act, such notice of completion, if filed, shall be filed within 10 days after acceptance of the project, and as to such contracts, verified statements of claims may be filed at any time after the claimant has furnished materials or ceased to perform labor, or both, and before the expiration of 30 days from the filing for record of such notice, or if such notice is not so filed, before the expiration of 90 days after the acceptance of the project.

(c) Actions against the state, public board, commission, or officer thereof, or the political subdivision of the state, or the disbursing officer whose duty it is to make payments under the provisions of the contract for the public improvement in question, brought by any claimant who has filed claim under this section, or his assign, shall be governed by the provisions of Sections 1190.1 and 1197.1 and the verified notice provided for in those sections is equivalent for all purposes to the verified claim provided for herein.

(d) No assignment by the contractor of the whole or any part of the money due him or to be due him under the contract, or for "extras" in connection therewith, whether made before a verified claim is filed as provided for herein or after the claim is filed, takes priority over claims filed under this section and such assignment has no binding force insofar as the rights of the claimants who file claims hereunder, or their assigns, are concerned.

(e) This section does not prohibit the payment of any money to the contractor or his assigns, so long as no verified claim is on file before the disbursing officer has actually surrendered possession of the warrant, checks, bonds, or money or the payment to the contractor or his assigns of any money due him or his assigns over and above the total amount of the claims filed at that time plus such interest and court costs as might be reasonably anticipated in connection with the claims.

(f) If the contractor, subcontractor, or other person against whom any claim is filed as provided in this section disputes the correctness or validity of any claim so filed, the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract or the commissioner, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom the contract for the improvement was awarded, in its or his discretion, may permit the contractor to whom the contract was awarded to deliver to such board, commission, or

officer a bond executed by some corporation authorized to issue surety bonds in the State of California, in a penal sum equal to one and one-fourth times the amount of the claim, which bond shall guarantee the payment of any sum which the claimant may recover on the claim together with his costs of suit in the action, if he recovers therein. Upon the filing of the bond by and with the consent of such board, commission or officer, then such board, commission or officer shall not withhold any moneys from the contractor on account of the claim The sureties upon the bond are jointly and severally liable to the claimant with the sureties upon the contractor's bond given in accordance with Chapter 3 of Division 5, Title 1 of the Government Code.

SEC. 2. It is the purpose of this act to clarify and declare the prior legislative intent as to the meaning of the section which this act amends, and not to make any substantive changes therein.

CHAPTER 892

An act to add Sections 31681.51 and 31739.31 to the Government Code, relating to the County Employee's Retirement Law.

[Approved by Governor July 21, 1967 Filed with Secretary of State July 21, 1967]

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

SECTION 1. Section 31681.51 is added to the Government Code, to read:

31681.51. Every retirement allowance, optional death allowance (including an allowance payable to a survivor of a member) payable to or on account of any member of this system or of a superseded system who has been or was retired for service is hereby increased as follows:

Period during which retirement became effective	Percentage of increase in monthly retirement allowance
On or prior to June 30, 1962	10%
12 months ended June 30, 1963	8%
12 months ended June 30, 1964	6%
12 months ended June 30, 1965	4%
12 months ended June 30, 1966	2%

In no event shall any allowance be increased by an amount greater than fifty dollars ($50) a month nor less than ten dollars ($10) a month.

This section shall not be operative in any county until such time as the board of supervisors shall, by ordinance adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 2. Section 31739.31 is added to the Government Code, to read:

31739.31. Every retirement allowance, optional death allowance, or annual death allowance (including an allowance payable to a survivor of a member) payable to or on account of any member of this system or of a superseded system who has been or was retired for disability is increased as follows:

Period during which retirement became effective	Percentage of increase in monthly retirement allowance
On or prior to June 30, 1962	10%
12 months ended June 30, 1963	8%
12 months ended June 30, 1964	6%
12 months ended June 30, 1965	4%
12 months ended June 30, 1966	2%

In no event shall any allowance be increased by an amount greater than fifty dollars ($50) a month or less than ten dollars ($10) a month.

This section shall not be operative in any county until such time as the board of supervisors shall, by ordinance adopted by majority vote, make the provisions of this section applicable in such county.

CHAPTER 893

An act to amend Section 50305 of the Government Code, relating to the sale or lease of extraterritorial public property.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 50305 of the Government Code is amended to read:

50305. In selling or leasing its real property, a local agency shall first give any person who has occupied or used that property or a portion of it as a lawful tenant of the local agency for not less than 24 months during the 36 months next preceding the sale or lease, an opportunity to buy or lease the property at a reasonable price or rental, within a reasonable time after written notice to him; provided that occupancy or use of such property by an employee of such public agency shall create no rights hereunder.

CHAPTER 894

An act to amend Sections 3351, 3352, 3353, 3436, 3437, and 3511 of, to add Articles 1.5 (commencing with Section 3361), 1.7 (commencing with Section 3371) and 1.8 (commencing with Section 3381) to Chapter 1 of Part 6 of Division 1 of, and to repeal Sections 3354, 3355, 3356, 3357, 3358, 3359 and Article 2 (commencing with Section 3391) of Chapter 1 of Part 6 of Division 1 of, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 3351 of the Revenue and Taxation Code is amended to read:

3351. Annually, on or before June 8th, the tax collector shall publish a notice of his intent to sell to the state the real property, except tax-sold property and possessory interests, the taxes, assessments, penalties, and costs on which will have not been fully paid at the time set for the sale.

SEC. 2. Section 3352 of the Revenue and Taxation Code is amended to read:

3352. The notice shall be in the form of an affidavit and shall show:

(a) That unless the total amount due is paid, the real property on which the total amount due is a lien will be sold to the state.

(b) The time and place at which the property will be sold to the state by operation of law.

(c) The fact that if sold to the state, the real property may be redeemed by the payment of the amount of sold taxes together with such additional penalties and fees as prescribed by law, or that the real property may be redeemed under an installment plan of redemption.

(d) The fact that real property which is sold to the state for delinquent taxes will be subsequently deeded to the state, at the time prescribed by law, unless such tax-sold property is redeemed or an installment plan of redemption is initiated and maintained.

(e) The fact that real property deeded to the state may be sold at public auction or otherwise conveyed, unless such real property is redeemed.

(f) The fact that a publication of a detailed listing of all real property which is sold to the state will be initiated on or before September 8th, unless such property is sooner redeemed.

SEC. 3. Section 3353 of the Revenue and Taxation Code is amended to read:

3353. Publication shall be made pursuant to Section 6063 of the Government Code in the county. If no newspaper of general circulation is published in the county, the publication shall

be made by posting in three public places in the county. The cost of publication shall be at no more than the rate fixed by the board of supervisors for other county advertising.

SEC. 4. Section 3354 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 3355 of the Revenue and Taxation Code is repealed.

SEC. 6. Section 3356 of the Revenue and Taxation Code is repealed.

SEC. 7. Section 3357 of the Revenue and Taxation Code is repealed.

SEC. 8. Section 3358 of the Revenue and Taxation Code is repealed.

SEC. 9. Section 3359 of the Revenue and Taxation Code is repealed.

SEC 10. Article 1.5 (commencing with Section 3361) is added to Chapter 1 of Part 6 of Division 1 of the Revenue and Taxation Code, to read:

Article 1.5. Deeds to the State

3361. Annually, on or before June 8th, the tax collector shall publish a notice of his intent to deed to the state all real property which was previously sold to the state and which is subject to deeding to the state.

3362. The published notice of intent to deed to the state shall show:

(a) The date of the notice.

(b) That the number of years prescribed by law will have elapsed on the date set for deeding to the state since the property was sold to the state.

(c) That the property will be deeded to the state, unless sooner redeemed or an installment plan of redemption is initiated.

(d) The date and time at which the property will be deeded to the state, which date and time shall not be less than 21 days after the first publication.

(e) That the amount for which the deed will be issued will be the total amount due for which the property was sold to the state

(f) That if the property is deeded to the state, the right of redemption will terminate upon any subsequent sale, or other conveyance, by the state.

(g) The official who will furnish all information concerning redemption.

(h) The fact that if the property is deeded to the state, the state shall have exclusive power to rent tax-deeded property, and to receive certain proceeds arising in any manner from the property.

(i) The year of the sale to the state and the fiscal year for which the taxes were levied.

(j) A list of descriptions of the property. The assessments contained in this notice of deeding shall be numbered in ascending numerical order.

(k) The amount for which the property is to be deeded, opposite the description of the property.

3363. Except as provided in Article 1.8 (commencing with Section 3381) of this chapter, the publication shall be made pursuant to Section 6063 of the Government Code in the county. If no newspaper of general circulation is published in the county, the publication shall be made by posting in three public places in the county.

The cost of publication shall be at no more than the rate fixed by the board of supervisors for other county advertising.

3364. Immediately after the publication is completed, the tax collector shall file with the county recorder a copy of the publication and an attached affidavit. This affidavit is prima facie evidence of the facts stated. The affidavit shall show:

(a) That it is affixed to a true copy of the publication.

(b) The manner of publication.

(c) If the publication was in a newspaper, its name and place of publication and the date of each appearance.

(d) If not published in a newspaper, the places of posting.

3365. After the first publication of the notice of intent to deed to the state and not less than 21 nor more than 35 days before the date of deeding, when tax-sold property is to be deeded, the tax collector shall send by registered mail to the last assessee of the tax-sold property at his last known address either a copy of the publication or a notice of intent to deed the property to the state. To ascertain the address of the last assessee of the tax-sold property an examination shall be made of the assessment of this property on the rolls beginning with the year of delinquency to and including that of the last equalized roll.

3366. The mailed notice of the deed to the state shall specify:

(a) That the property will be deeded to the state by the tax collector unless sooner redeemed or an installment plan of redemption is initiated.

(b) The date and time the deed is to be issued.

(c) The year of sale to the state.

(d) The description of the particular property.

(e) When redemption may be made.

(f) The official who will furnish all information concerning redemption.

SEC. 11. Article 1.7 (commencing with Section 3371) is added to Chapter 1 of Part 6 of Division 1 of the Revenue and Taxation Code, to read:

Article 1.7. Published Delinquent List

3371. Annually, on or before September 8th, the tax collector shall publish his affidavit that the real property on which

the taxes, assessments, penalties, and costs had not been fully paid was sold to the state, together with a list of all such real property.

3372. The notice shall show:

(a) The affidavit of sale to the state.

(b) The fact that the real property may be redeemed by the payment of the amount of sold taxes together with such additional penalties and fees as prescribed by law, or that the real property may be redeemed under an installment plan of redemption.

(c) The official who will furnish all information concerning redemption.

(d) The following information relating to each assessment of tax-sold property:

(1) The name of the assessee, and where there is more than one valuation the name of the assessee need be listed only once. For the purposes of this section, the name of the assessee may be the name of the assessee as shown on the current roll.

(2) The description of the property.

(3) The total amount for which the property was sold.

This information required to be published is the "published delinquent list." If any property on the published delinquent list is redeemed, the information relating to the property may be omitted from any subsequent publications.

3373. Except as provided in Article 1.8 (commencing with Section 3381), the publication shall be made pursuant to Section 6063 of the Government Code in the county. If no newspaper of general circulation is published in the county, the publication shall be made by posting in three public places in the county.

The cost of publication shall be at no more than the rate fixed by the board of supervisors for other county advertising.

3374. Immediately after the publication is completed, the tax collector shall file with the county recorder a copy of the publication and an attached affidavit. This affidavit is prima facie evidence of the facts stated. The affidavit shall show:

(a) That it is affixed to a true copy of the publication.

(b) The manner of publication

(c) If the publication was in a newspaper, its name and place of publication and the date of each appearance.

(d) If not published in a newspaper, the places of posting.

SEC. 12. Article 1.8 (commencing with Section 3381) is added to Chapter 1 of Part 6 of Division 1 of the Revenue and Taxation Code, to read:

Article 1.8. Alternative Method of Publication

3381. In each county where the tax collector or, if the county is a chartered county, the board of supervisors determines that the public interest, convenience and necessity require the local publication of the delinquent list, or the list of properties to be deeded to the state, in order to afford ade-

quate notice, all items required to be published shall be published as provided in this article.

After such determination, the tax collector or, if the county is a chartered county, the board of supervisors shall divide and distribute the items to be published and cause the same to be published either within (a) the municipal corporations, (b) the elementary, high school or junior college districts, (c) the supervisorial districts, (d) judicial districts, (e) tax districts, areas included in map books, or tax code areas, or (f) by any annexation or annexations of same, or any combination of same, or any combination of such districts, annexations, areas included in map books, and code areas, within the county as they shall determine most likely to afford adequate notice to owners of the property.

Except as provided in this article, the publication shall be in the same manner as provided in Article 1.7.

The publication provided for in this article shall be made once a week for two successive weeks in a newspaper or newspapers of general circulation Such publication shall be made in a newspaper published not less frequently than once a week.

3382. Annually, the board of supervisors shall let the contracts for publication of the published delinquent list, or the list of properties to be deeded to the state, and shall determine the rate to be paid for the publication of such delinquent list or any portion thereof.

The publication rate shall be based on a common denominator of measurement for all newspapers and may be graduated according to circulation.

3383. The contracts for the publications shall include the publication of the proper portion of the published list and all other items relating to that portion of the published list required by law to be published.

3384. The board of supervisors may provide by order for mailing to each assessee on the published delinquent list a copy of the items delinquent assessed to him and, if so ordered, the copy shall be mailed to the assessee at his address as shown on the roll. This section gives no one any right to receive the copy of items delinquent, and neither the county nor any office or employee is liable for failure of the assessee to receive the copy or for any mistake in connection with the mailing

3385. In ordering mailing of a copy of items delinquent, the board of supervisors may do either of the following:

(a) Authorize the tax collector to perform the mailing.

(b) Include, or authorize the inclusion of, the mailing as an item in the contracts for publication of the published delinquent list.

SEC. 13. Article 2 (commencing with Section 3391) of Chapter 1 of Part 6 of Division 1 of the Revenue and Taxation Code is repealed.

SEC. 14 Section 3436 of the Revenue and Taxation Code is amended to read:

3436. On or before June 30, at the time fixed in the publication of the notice of intent to sell to the state, the real property on which the taxes, assessments, penalties, and costs have not been fully paid, except tax-sold property and possessory interests, shall by operation of law and the declaration of the tax collector be sold to the state. The sale shall be in the tax collector's office.

SEC. 15. Section 3437 of the Revenue and Taxation Code is amended to read:

3437. The amount due on any property may be paid until the time of sale if it was separately valued on the secured roll.

SEC. 16. Section 3511 of the Revenue and Taxation Code is amended to read:

3511. Not less than 21 days nor more than 35 days after the first publication of the notice of intent to deed tax-sold property and at least five years after the property was sold to the state, the tax collector shall, without charge, execute a deed in duplicate conveying the property to the state. The county clerk shall take acknowledgment of the deed without charge.

The making of a duplicate deed may be waived by the county recorder if the county has photostatic equipment for the purpose of recordation.

CHAPTER 895

An act to amend Section 5365 of the Revenue and Taxation Code, relating to property statements filed by aircraft owners.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 5365 of the Revenue and Taxation Code is amended to read:

5365. Upon request of the assessor of the county in which an aircraft is habitually based, the owner shall file with him a statement setting forth the make, model and year of manufacture of the aircraft.

CHAPTER 896

An act to amend Section 15508 of, and to add Section 15525.5 to, the Corporations Code, relating to limited partnerships.

[Approved by Governor July 21, 1967. Filed with Secretary of State July 21, 1967.]

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

SECTION 1. Section 15508 of the Corporations Code is amended to read:

15508. After the formation of a limited partnership, additional limited partners may be admitted upon filing an amendment to the original certificate in accordance with the requirements of Section 15525 or Section 15525.5.

SEC. 2. Section 15525.5 is added to the Corporations Code, to read:

15525.5. Notwithstanding the provisions of paragraph (b) of subdivision (1) of Section 15525, if the partnership certificate permits and the partnership has 25 or more limited partners immediately prior to the event requiring amendment of the certificate under this chapter, the writing to amend the certificate may be signed by a general partner and by the member to be substituted or added in the case of an amendment substituting a limited partner or adding a limited or general partner and shall be signed also by the assigning limited partner when a limited partner is to be substituted, and if the amendment reflects the retirement, death or insanity of a general partner, and the business is continued under Section 15520, the amendment may be signed by any general partner.

CHAPTER 897

An act to amend Sections 6021, 6022, 6023, and 6024 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to rodents.

[Approved by Governor July 24, 1967. Filed with Secretary of State July 24, 1967.]

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

SECTION 1. Section 6021 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read.

6021. If the director receives a report from the State Director of Public Health which states that field rodents in a certain area carry, or are likely to carry, any disease, insect or other vector of any disease which is transmissible and injurious to humans, he shall forthwith advise the commissioner of the county in which such rodents exist.

SEC. 2. Section 6022 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

6022. The commissioner shall cooperate in suppressing field rodents and insects, or other associated vectors of rodent-borne diseases transmissible and injurious to humans.

SEC. 3. Section 6023 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

6023. The director shall cooperate by entering into an agreement pursuant to Section 482 for the purpose of suppressing the field rodents and insects or other associated vectors in the reported areas and in neighboring areas, to prevent the spread of the rodents and insects, or other associated vectors.

SEC. 4. Section 6024 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

6024. In order to carry out the purposes of this article, the director or commissioner may enter upon any and all premises within any reported area or neighboring area to bait, trap, expose chemically treated baits, or perform any act which he deems necessary for the purpose of suppressing, destroying, or repelling the rodents and insects, or other associated vectors.

CHAPTER 898

An act to amend Sections 12002.1 and 12314 of the Financial Code, relating to prorators.

[Approved by Governor July 24, 1967. Filed with Secretary of State July 24, 1967.]

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

SECTION 1. Section 12002.1 of the Financial Code is amended to read:

12002.1. A prorater is a person who, for compensation from a debtor, engages in whole or in part in the business of receiving money or evidences thereof for the purpose of distributing the money or evidences thereof among creditors in payment or partial payment of obligations of the debtor.

SEC. 2. Section 12314 of the Financial Code is amended to read:

12314. The total charges received by a prorater, or any other person for the prorater's services, may not exceed in the aggregate twelve percent (12%) for the first three thousand dollars ($3,000), eleven percent (11%) for the next two thousand dollars ($2,000), and ten percent (10%) for any of the remaining payments distributed by a prorater to the creditors of a debtor unless the debtor cancels or defaults on the performance of his contract with the prorater for reasons other than withdrawal of recurring obligations, in which event the prorater may collect in addition seven percent (7%) of the remaining indebtedness listed on said contract. In relation to obligations included in the prorate contract which are secured by a mortgage or trust deed on real property, fees may be collected only as to payments made by the prorater to the creditor on the installments of such obligation coming due within the period of the prorate contract, but not exceeding in any event a period of 24 months. In relation to recurring obligations, and obligations secured by mortgages or trust deeds on real property included in the prorate contract, the seven percent (7%) charge set forth in this section may not be charged or collected in case of the withdrawal of such obligations, or cancellation, or default on the prorate contract by the debtor. Recurring obligations shall be defined for the

purpose of this section as follows: current rent payments, current utility payments, current telephone bills, current alimony payments, current child support payments, and current monthly insurance premium payments. At least once each month the prorater shall pay not less than sixty percent (60%) of each payment received from the debtor during the preceding month to the creditors of the debtor. In the event of cancellation or default on performance of the contract by the debtor, the prorater must distribute to the creditors of the debtor at least 88 percent of any funds of the debtor in the hands of the prorater.

CHAPTER 899

An act to amend Section 7521 of the Business and Professions Code, relating to insurance adjusters.

[Approved by Governor July 24, 1967. Filed with Secretary of State July 24, 1967.]

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

SECTION 1. Section 7521 of the Business and Professions Code is amended to read:

7521. (a) A private investigator within the meaning of this chapter is a person other than an insurance adjuster who, for any consideration whatsoever engages in business or accepts employment to furnish, or agrees to make, or makes, any investigation for the purpose of obtaining, information with reference to:

Crime or wrongs done or threatened against the United States of America or any state or territory of the United States of America; the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person; the location, disposition, or recovery of lost or stolen property; the cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or to property; or securing evidence to be used before any court, board, officer, or investigating committee.

(b) A private patrol operator, or operator of a private patrol service, within the meaning of this chapter is a person who, for any consideration whatsoever:

Agrees to furnish, or furnishes, a watchman, guard, patrolman, or other person to protect persons or property or to prevent the theft, unlawful taking, loss, embezzlement, misappropriation, or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers, or property of any kind; or performs the service of such watchman, guard, patrolman, or other person, for any of said purposes.

(c) A person licensed as a private patrol operator only may not make any investigation or investigations except those that are incidental to the theft, loss, embezzlement, misappropriation, or concealment of any property, or any other thing enumerated in this section, which he has been hired or engaged to protect, guard, or watch.

(d) An insurance adjuster within the meaning of this chapter is a person other than a private investigator who, for any consideration whatsoever, engages in any of the activities enumerated in subdivision (a) in the course of adjusting or otherwise participating in the disposal of, any claim under or in connection with a policy of insurance or engages in soliciting insurance adjustment business.

(e) A repossessor within the meaning of this chapter is a person who, for any consideration whatsoever, engages in business or accepts employment to locate or recover personal property, including but not limited to personal property registered under the provisions of the Vehicle Code, which has been sold under a conditional sales agreement or which is subject to a chattel mortgage. A licensee under this chapter shall not engage in business or accept employment to collect claims owed or due or asserted to be owed or due to another unless the licensee has complied with the provisions of Chapter 8 (commencing at Section 6850) of Division 3 in addition to complying with the provisions of this chapter.

CHAPTER 900

An act to amend Section 2984.2 of the Civil Code, relating to sales of motor vehicles.

[Approved by Governor July 24, 1967. Filed with Secretary of State July 24, 1967.]

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

SECTION 1. Section 2984.2 of the Civil Code is amended to read:

2984.2. No agreement in connection with a conditional sale of a motor vehicle for the inclusion of title to or a lien upon any personal or real property, other than the motor vehicle which is the subject matter of the conditional sale, or accessories therefor or special and auxiliary equipment used in connection therewith, or in substitution, in whole or in part, for any therefor, as security for payment of the contract balance, shall be enforceable. No agreement between a buyer and seller in connection with a sale of a motor vehicle which provides for the inclusion of title to or a lien upon any personal or real property, other than the motor vehicle which is the subject matter of the sale, or accessories therefor or special and auxiliary equipment used in connection therewith, as security for payment of the contract balance, shall be enforceable.

CHAPTER 901

An act to amend Section 9353.5 of the Education Code, relating to school textbook specifications.

[Approved by Governor July 24, 1967. Filed with Secretary of State July 24, 1967.]

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

SECTION 1. Section 9353.5 of the Education Code is amended to read:

9353.5. Whenever a person in response to a call for bids issued by the State Board of Education submits a textbook for evaluation by the State Curriculum Commission, he shall also submit detailed specifications for such textbook of the type, quality, size, and other physical characteristics of the paper, binding, print, and other physical components of the textbook. Such specifications shall be complied with by the person if the textbook is adopted and purchased in completed form by the State Board of Education. If the textbook is adopted under a lease-plate contract, the Department of General Services shall follow comparable specifications in manufacturing the textbook. Changes in specifications may be made when approved by the State Board of Education.

CHAPTER 902

An act to amend Section 19594 of the Education Code, relating to state school building aid.

[Approved by Governor July 24, 1967. Filed with Secretary of State July 24, 1967.]

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

SECTION 1. Section 19594 of the Education Code is amended to read:

19594. Whenever a conditional apportionment has, prior to the 91st day after the adjournment sine die of the 1967 Regular Session of the Legislature, been made to an applicant school district pursuant to this chapter and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, two-thirds of the qualified electors of the district voting thereat authorized the governing board of the applicant school district to accept, expend and repay an apportionment under the provisions of this chapter, and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and

sold and the proceeds thereof made available for the purposes of the application and the board has certified to the State Controller that the apportionment to the applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the State School Building Aid Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

CHAPTER 903

An act to amend Section 10504 of the Education Code, relating to birth verification for school admission.

[Approved by Governor July 24, 1967. Filed with Secretary of State July 24, 1967.]

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

SECTION 1. Section 10504 of the Education Code is amended to read:

10504. The parent or guardian of a child shall, prior to the admission of the child to the kindergarten or first grade of a school district, present proof to the authorities of the district evidencing that such child is of the minimum age fixed by law for admission thereto. Such evidence shall be in the form of a certified copy of a birth record or a statement by the local registrar or a county recorder certifying the date of birth, or a baptism certificate duly attested, or a passport, or, when none of the foregoing is obtainable, an affidavit of the parent, guardian, or custodian of the minor.

CHAPTER 904

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 24, 1967. Filed with Secretary of State July 24, 1967.]

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

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water district improvement districts
California water districts
Cemetery districts
Citrous pest control districts
City general improvement district improvement districts
City general improvement districts
City maintenance districts
Community service districts
Conservancy districts
County boards of education
County drainage districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County service areas
County sewerage and water districts
County water agencies
County water authorities
County water district improvement districts
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control and water conservation districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway interchange districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts

Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement district improvement districts
Municipal improvement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Protection districts
Public cemetery districts
Public utility district improvement districts
Public utility districts
Rapid transit authorities
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
Regional planning districts
Resort improvement districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Unified air pollution control districts
Unified port districts
Urban renewal agencies
Vehicle parking districts
Veterans' memorial districts
Water agencies
Water authorities
Water conservation districts
Water districts

Water replenishment districts
Water storage district improvement districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts
Zones of county water agencies
Zones of county water authorities.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change

in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Second Validating Act of 1967.

SEC. 11. This act is an urgency measure 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 such necessity are:

The peace, health and safety of the citizens of the state require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the state can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 905

An act to add Sections 458 and 505 to the Health and Safety Code, relating to county and city health officers.

[Approved by Governor July 24, 1967. Filed with Secretary of State July 24, 1967.]

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

SECTION 1. Section 458 is added to the Health and Safety Code, to read:

458. The county health officer may take any preventive measure which may be necessary to protect and preserve the public health from any public health hazard during any "local peril," "local emergency," "local disaster," "state of disaster" or "state of extreme emergency," as defined by Section 1505 of the Military and Veterans Code, within his jurisdiction.

"Preventive measure" means abatement, correction, removal or any other protective step which may be taken against any public health hazard that is caused by a disaster and affects the public health. Funds for these measures may be allowed pursuant to Sections 29127 to 29131, inclusive, and 53021 to 53023, inclusive, of the Government Code and from any other money appropriated by a board of supervisors of a county or governing body of a city to carry out the purposes of this section.

The county health officer, upon consent of the board of supervisors of a county or the governing body of a city, may certify any public health hazard resulting from any disaster condition if such certification is required for any federal or state disaster relief program.

SEC. 2. Section 505 is added to the Health and Safety Code, to read:

505. The city health officer may take any preventive measure which may be necessary to protect and preserve the public health from any public health hazard during any "local peril," "local emergency," "local disaster," "state of disaster" or "state of extreme emergency," as defined by Section 1505 of the Military and Veterans Code, within his jurisdiction.

"Preventive measure" means abatement, correction, removal or any other protective step which may be taken against any public health hazard that is caused by a disaster and affects the public health. Funds for these measures may be allowed pursuant to Sections 29127 to 29131, inclusive, and 53021 to 53023, inclusive, of the Government Code and from any other money appropriated by a board of supervisors of a county or governing body of a city to carry out the purposes of this section.

The city health officer, upon consent of the board of supervisors of a county or the governing body of the city, may certify any public health hazard resulting from any disaster condition if such certification is required for any federal or state disaster relief program.

CHAPTER 906

An act to add Section 17567.5 to the Business and Professions Code, relating to motel and motor court rate signs.

[Approved by Governor July 24, 1967. Filed with Secretary of State July 24, 1967.]

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

SECTION 1. Section 17567.5 is added to the Business and Professions Code, to read:

17567.5. The governing body of any city or county, within the reasonable exercise of the police power, may enact ordinances imposing regulations equal to or greater than those imposed by this article.

CHAPTER 907

An act to amend Sections 73822, 73823, 73824, and 73825 of the Government Code, relating to municipal courts.

[Approved by Governor July 24, 1967. Filed with Secretary of State July 24, 1967.]

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

SECTION 1. Section 73822 of the Government Code is amended to read:

73822. There shall be one clerk who shall receive a minimum salary of six hundred forty-four dollars ($644) monthly, with annual increments of thirty-two dollars ($32), thirty-four dollars ($34), thirty-five dollars ($35), and thirty-seven dollars ($37) to a maximum of seven hundred eighty-two dollars ($782) monthly.

SEC. 2. Section 73823 of the Government Code is amended to read:

73823. The clerk may appoint:

(a) One assistant clerk who shall receive a minimum salary of five hundred thirty dollars ($530) monthly, with annual increments of twenty-seven dollars ($27), twenty-eight dollars ($28), twenty-nine dollars ($29), and thirty dollars ($30) to a maximum of six hundred forty-four dollars ($644) monthly.

(b) Three deputy clerks who shall be court clerks and each of whom shall receive a minimum salary of four hundred eighty-one dollars ($481) monthly, with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), and twenty-eight dollars ($28) to a maximum of five hundred eighty-four dollars ($584) monthly.

(c) One deputy clerk (legal) who shall receive a minimum salary of four hundred thirty-six dollars ($436) monthly, with annual increments of twenty-two dollars ($22), twenty-three

dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of five hundred thirty dollars ($530) monthly.

(d) Two deputy clerks each of whom shall receive a minimum salary of four hundred fifteen dollars ($415) monthly, with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of five hundred five dollars ($505) monthly.

(e) Eight deputy clerks each of whom shall receive a minimum salary of three hundred forty-one dollars ($341) monthly, with annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) to a maximum of four hundred fifteen dollars ($415) monthly.

Upon the effective date of this section, the incumbent officers and attachés shall each retain the same salary step in the salary range made applicable to his position by this section as he occupied under the superseded salary range. For the purpose of determining the right to subsequent annual increments, however, the anniversary date shall be the date the officer or attaché was first appointed to the position in which the increment is sought.

SEC. 3. Section 73824 of the Government Code is amended to read:

73824. There shall be one marshal who shall receive a salary of five hundred fifty-six dollars ($556) monthly, with annual increments of twenty-eight dollars ($28), twenty-nine dollars ($29), thirty dollars ($30), and thirty-three dollars ($33) to a maximum of six hundred seventy-six dollars ($676) monthly.

SEC. 4. Section 73825 of the Government Code is amended to read:

73825. The marshal may appoint the following:

(a) Two deputy marshals who shall be court bailiffs, and who shall receive a minimum salary of five hundred five dollars ($505) monthly, with annual increments of twenty-five dollars ($25), twenty-six dollars ($26), twenty-seven dollars ($27), and thirty dollars ($30) to a maximum of six hundred thirteen dollars ($613) monthly.

(b) One deputy marshal clerk who shall receive a minimum salary of three hundred forty-one dollars ($341) monthly, with annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) to a maximum of four hundred fifteen dollars ($415) monthly.

(c) Two deputies who shall be custodians at the fee allowed by law for keeping property.

CHAPTER 908

An act to amend Sections 15641, 43072, and 54902 of the Government Code, relating to property taxation.

[Approved by Governor July 24, 1967. Filed with Secretary of State July 24, 1967.]

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

SECTION 1. Section 15641 of the Government Code is amended to read:

15641. The board shall send members of its staff to the several counties and cities and counties of the state for the purpose of conducting such research as it deems essential for the completion of a survey report pursuant to Section 15640 with respect to each county and city and county showing the volume of assessing work to be done as measured by the various types of property to be assessed and the number of individual assessments to be made, the responsibilities devolving upon the county assessor, his requirements for maps, records, and other equipment and supplies essential to the adequate performance of his duties, the number and classification of personnel needed by him for the adequate conduct of his office, the fiscal outlay required to secure for that office sufficient funds to ensure the proper performance of its duties, and the extent to which intracounty equalization has been achieved, as indicated by the surveys conducted under Section 1815 of the Revenue and Taxation Code.

SEC. 2. Section 43072 of the Government Code is amended to read:

43072. (a) For the fiscal year in which a city avails itself of the general laws relative to the assessment and collection of city taxes by county officials, and for each succeeding fiscal year, the city council may levy a rate of tax for any purpose for which a maximum rate is specified by law up to an amount that exceeds such maximum rate in the proportion that the total assessed valuation on the entire city roll used in the fiscal year immediately preceding the year for which the city availed itself of the county tax assessing and collecting services exceeded the total assessed valuation of the property within the city on the entire county roll for the same year. The maximum rate of indebtedness provided for in Section 43605 shall be increased in the same proportion.

(b) In addition to the increase in tax rates authorized by subdivision (a), for any fiscal year subsequent to the fiscal year in which a city availed itself of the general laws relative to the assessment and collection of city taxes by county officials, and for each succeeding fiscal year, the city council may levy a rate of tax for any purpose for which a maximum tax rate is specified by law up to an amount that exceeds such maximum tax rate in the proportion that the total assessed valuation of property within the city on the local roll

is reduced by county officials from the total assessed valuation of property within the city on the local roll used in the immediately preceding fiscal year.

SEC. 3. Section 54902 of the Government Code is amended to read:

54902. On or before January 1st of the year in which the assessments or taxes are to be levied, the statement and the map or plat shall be filed with each assessor whose roll is used for the levy and with the State Board of Equalization in Sacramento.

CHAPTER 909

An act to amend Section 12333 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor July 24, 1967. Filed with Secretary of State July 24, 1967.]

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

SECTION 1. Section 12333 of the Public Utilities Code is amended to read:

12333. The board shall provide that both the district and the members shall contribute to the retirement system. Based on tables and assumptions adopted by the board, it shall fix the rates of contributions by officers and employees of the district who are members of the retirement system.

CHAPTER 910

An act to create the Brannan-Andrus Levee Maintenance District, prescribing its boundaries, organization, government, powers, and duties, and incorporating therein the land included within Reclamation Districts Nos. 317, 407, and 2067.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. A levee maintenance district is hereby created to be called the Brannan-Andrus Levee Maintenance District.

SEC. 2. This act shall be known and may be cited as the Brannan-Andrus Levee Maintenance District Act.

SEC. 3. Unless otherwise indicated the provisions of this section shall govern the construction of this act.

"District" means the Brannan-Andrus Levee Maintenance District.

"Board" means the district board of directors.

"Directors" means the members of the board.

SEC. 4. The district shall consist of the territory lying within Reclamation Districts Nos. 317, 407, and 2067, as said reclamation districts presently exist.

SEC. 5. The district shall be governed by the board of directors, and whenever a duty, power, or jurisdiction is conferred upon the district, unless indicated to the contrary, such duty, power, or jurisdiction shall be exercised by the board.

SEC. 6. The board shall consist of five members, who shall be persons eligible to serve as trustees of a reclamation district pursuant to Division 15 (commencing with Section 50000) of the Water Code. The first board of directors shall be appointed as follows: Two shall be appointed by the Board of Supervisors of Sacramento County, each for a term expiring with the election to be held in the year 1969; one each shall be appointed by the governing boards of Reclamation Districts Nos. 317, 407, and 2067, each for a term expiring with the election to be held in the year 1971.

SEC. 7. Except for the selection of the first board of directors, the directors shall be elected in the manner prescribed for general elections in reclamation districts as set forth in Division 15 (commencing with Section 50000) of the Water Code; provided that the directors whose terms will expire in 1969 and each four years thereafter shall be nominated and elected at large and the directors whose terms will expire in 1971 and each four years thereafter shall be nominated and elected one each from Reclamation Districts Nos. 317, 407, and 2067 in the same manner as the election of trustees for such districts. Any special election which may be required shall be conducted in the manner prescribed for reclamation districts.

SEC. 8. Within 30 days after the appointment of the first directors and thereafter on the regular meeting date following each general district election, the directors shall meet and organize as a board. The board shall elect one of its members as president, appoint a secretary, who may be a director, and provide for the time and place of holding its meetings. The board may adopt and from time to time amend bylaws for the government of its affairs not inconsistent with any provisions of this act, which bylaws or amendments thereto shall become effective when approved by a four-fifths vote of the directors and by the Board of Supervisors of Sacramento County. Each member of the board shall receive such compensation as may be fixed by the board for each meeting attended by him, and shall be reimbursed for expenses necessarily incurred in the performance of his duties as a director. The board may at any time appoint or employ and prescribe the duties of other officers, employees, engineers and attorneys necessary or convenient to carry out the business of the district, each of whom shall serve at the pleasure of the board. The Treasurer of Sacramento County shall be the treasurer of the district.

SEC. 9. The purposes of the district are, and it shall have the powers, to improve, repair, operate, maintain, construct and reconstruct the levees, works, structures, or other facilities

that provide flood control and flood protection to the area encompassed by the district, including such levees, works, structures, or other facilities of Reclamation Districts Nos. 317, 407, and 2067, and including the right to give such assurances and to assume such liability as may be required of a local agency engaged in the maintenance of flood control levees. As used herein, the term "flood control" shall not be deemed to include drainage of lands lying within the levees from storm, irrigation, or other surface or underground waters but shall include the dewatering of any lands which may be inundated as a result of levee failure.

SEC. 10. Except as limited by the provisions set forth in Section 9 above, or as otherwise inconsistent with the provisions of this act, the district shall have all of the powers and authority of a reclamation district, as set forth in Division 15 (commencing with Section 50000) of the Water Code, together with such other powers, duties, and authority as may be exercised by a reclamation district pursuant to the laws of this state. All provisions of the Government Code, Code of Civil Procedure, or other laws of this state now or hereafter made applicable to reclamation districts, shall be deemed applicable to the district to the extent of the purposes set forth in Section 9.

SEC. 11. Notwithstanding any provision of this act, Reclamation Districts Nos. 317, 407, and 2067 shall remain in existence with all the powers duties, and responsibilities granted to each prior to the enactment of this act, except those powers, duties, and responsibilities granted to the district by Section 9 of this act.

SEC. 12. The district shall not commence to exercise its powers pursuant to this act until the local agency formation commission approves the operation of the district in the same manner as it approves the creation of a district pursuant to the provisions of Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5 of the Government Code, as said provisions exist or may hereafter be amended.

CHAPTER 911

An act to amend Section 13151 of, and to add Section 13152 to, the Education Code, relating to employment in the public schools.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. Section 13151 of the Education Code, is amended to read:

13151. The State Board of Education may issue credentials restricting the service authorized by such credentials to service in the schools or classes specified on the credential.

The State Board of Education shall issue credentials restricting the service authorized by such credentials to service as a teacher in special schools or classes of mentally retarded minors coming within Education Code Section 6903. The standards for such credentials are a baccalaureate degree or higher degree from an institution approved by the State Board of Education and such specialized and professional preparation as the State Board of Education may require. The State Board of Education shall not require applicants for the credential to complete a major or a minor in an academic subject matter area.

SEC. 2. Section 13152 is added to the Education Code, to read:

13152. The State Board of Education shall issue credentials restricting the service authorized by such credentials to service on all grade levels in one of the following areas of specialization:

(1) Service as a speech and hearing specialist.

(2) Service as a teacher of handicapped children, other than minors coming within the provisions of Section 6903 of this code, in areas other than those involving speech and hearing handicaps.

The standards for such credentials are a baccalaureate degree or higher degree from an institution approved by the State Board of Education, a fifth year or its equivalent in college or university education to be completed within seven years of the first employment under this credential, and such specialized and professional preparation as the State Board of Education may require. A major or minor in an academic subject matter area shall not be required.

In adopting the necessary rules and regulations, the State Board of Education shall emphasize appropriate professional specialized preparation at both the undergraduate and post-baccalaureate level, and supervised participation as a speech and hearing specialist or student teacher of exceptional children or equivalent experience in the public schools or institutions or private schools or institutions of equivalent status.

CHAPTER 912

An act to add Section 13970 to the Education Code, relating to the Teachers' Retirement System.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. Section 13970 is added to the Education Code, to read:

13970. Any person who has been a member for 30 years by reason of any previous employment as provided by this chap-

ter, and who leaves such employment to accept an exempt position in the executive or legislative branch of state government is a member of the system while he occupies such an exempt position unless he elects not to be a member by a writing filed in the office of the board within 90 days after employment in such exempt position.

CHAPTER 913

An act to add Section 12918 to the Education Code, relating to new school district employees.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. Section 12918 is added to the Education Code, to read:

12918. Whenever any person is requested by a school district to travel to the headquarters of such district for the purpose of being interviewed and examined prior to possible employment, the district may reimburse such candidate for expenses necessarily incurred in traveling from his place of residence to the place of interview or examination.

CHAPTER 914

An act to add Section 931.5 to the Education Code, relating to school districts.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. Section 931.5 is added to the Education Code, to read:

931.5. Notwithstanding any other provisions of law, any person may be permitted by the governing board of any school district to serve as a nonteaching volunteer aide under the immediate supervision and direction of the certificated personnel of the district to perform noninstructional work which serves to assist such certificated personnel in performance of teaching and administrative responsibilities. Such a nonteaching volunteer aide shall not be an employee of the school district and shall serve without compensation of any type or other benefits accorded to employees of the district, except as provided in Section 1019 of the Education Code and Section 3364.5 of the Labor Code.

No district may abolish any of its classified positions and utilize volunteer aides, as authorized herein, in lieu of classified

employees who are laid off as a result of the abolition of a position; nor may a district refuse to employ a person in a vacant classified position and use volunteer aides in lieu thereof.

It is the intent of the Legislature to permit school districts to use volunteer aides to enhance its educational program but not to permit displacement of classified employees nor to allow districts to utilize volunteers in lieu of normal employee requirements.

CHAPTER 915

An act to amend Section 2053 of the Harbors and Navigation Code, relating to the San Francisco Harbor.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. Section 2053 of the Harbors and Navigation Code is amended to read:

2053. On the day named in the advertisement, the board shall have the bids opened in the presence of the bidders who are present. The board shall award the contract to the lowest responsible bidder, who shall furnish sufficient sureties to guarantee the performance of the work.

If the bids are too high, it may reject them, and advertise anew in like manner as before.

If the second bids are too high, it may reject them likewise, and enter into contract with responsible persons without giving further notice. Any contract entered into without giving public notice and receiving bids, shall be at least 10 percent lower than the lowest rejected bid.

CHAPTER 916

An act to amend Sections 25261, 25262, and 29141 of, and to add Section 29141.1 to, the Government Code, relating to county funds.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. Section 25261 of the Government Code is amended to read:

25261. The board may by resolution create one or more enterprise funds. The board may make available such amounts as are necessary to establish each fund and to maintain its solvency. At the beginning of any fiscal year the board may by

resolution transfer part or all of the amounts in any fund created pursuant to this section or may abolish any such fund.

The board shall provide for the fixing of charges for all services performed by the enterprise. Such charges may include all costs including depreciation. All funds created pursuant to this section shall be presented separately in the county budget and financial report.

As used in this section "enterprise fund" means a fund which accounts for services furnished to the general public and which is financed primarily by charges for such services. Activities which may be accounted for in enterprise funds are limited to those adopted pursuant to regulations adopted by the State Controller under the provisions of Section 30200 of this code.

SEC. 2. Section 25262 of the Government Code is amended to read:

25262. The county budget may contain a provision for an equipment replacement reserve within an operating fund. The amount in this reserve shall be identified with specific pieces of equipment, and may accumulate from year to year, but at no time shall it exceed the original cost of items of equipment for which it has been accumulated. The particular amounts in the reserve shall be made available for expenditure in the year that the items are replaced or removed from service without replacement. The amount annually accumulated in the reserve may correspond to annual depreciation, but in no event shall the amount accumulated in the reserve exceed the amount of the depreciation charge.

SEC. 3. Section 29141 of the Government Code is amended to read:

29141. The budget document in which the proposed and final budget, respectively, of the county are presented shall include, a special schedule showing the managerial budget of each service activity financed by a working capital fund established pursuant to the provisions of Section 25260 of this code. The schedule shall set forth the expected operations of the activity in such detail for revenues and expenditures as will adequately display the nature and the approximate size of its operations. Comparative data as prescribed in Section 29021 of this chapter shall be provided.

SEC. 4. Section 29141.1 is added to the Government Code, to read:

29141.1. The budget document in which the proposed and final budget, respectively, of the county are presented shall include a special schedule showing the budget of each service activity accounted for in an enterprise fund established pursuant to the provisions of Section 25261 of this code. The schedule shall set forth the expected operations of the activity in such detail for revenues and expenditures as will adequately display the nature and the approximate size of its operation. Comparative data as prescribed in Section 29021 of this chapter shall be provided.

CHAPTER 917

An act to add Section 74357 to the Government Code, relating to judicial secretaries in San Diego County.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. Section 74357 is added to the Government Code, to read:

74357. By order entered upon the minutes of the court, a majority of the judges of the Municipal Court of the San Diego Judicial District may appoint as many competent judicial secretaries as the business of the court requires, not to exceed five, to be known as judicial secretaries of such court. The judicial secretaries shall hold office during the pleasure of the judges of such court.

Each judicial secretary shall receive a monthly salary at the rate specified in Schedule 29.5 commencing at Step D at initial employment and advancing to Step E at the end of one year of continuous service. The position of judicial secretary shall be deemed to be comparable in job level to the position of assistant secretary authorized by Section 69892. Whenever the salary of such assistant secretaries are adjusted by the Board of Supervisors of San Diego County, the salary of judicial secretary shall be adjusted a commensurate percentage in the salary schedule. Such adjustment shall not be more than 20 percent higher or 20 percent lower than the range specified in this section and shall be effective on the same date as the effective date of the action by the board of supervisors on the position of assistant secretary. Any salary adjustment made as a result of this section shall be effective only until 60 days after the final adjournment of the 1969 Regular Session of the Legislature.

CHAPTER 918

An act to amend Section 26154 of the Government Code, relating to elementary school districts.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. Section 26154 of the Government Code is amended to read:

26154. The board of supervisors may provide financial assistance to elementary school districts which have within the boundaries of such school districts (a) a redevelopment agency and a housing authority organized under state law,

or (b) any facilities used by the county to house county employees. Any funds received pursuant hereto by an elementary school district may be deposited by the governing board of the school district in any fund of the district. The provisions hereof are applicable only to elementary school districts which have an average daily attendance of less than 3,000.

CHAPTER 919

An act to add Section 403 to the Government Code, relating to the State Seal.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. Section 403 is added to the Government Code, to read:

403. When the Great Seal of the state is prepared in color, the following colors shall be used:

The field of the seal shall be Independence Blue, Cable No. 70076; the outer circle shall be Golden Poppy, Cable No. 70071; the 31 stars and the words "Eureka" and "The Great Seal of the State of California" shall be white; the two circles bordering the words shall be Spanish Yellow, Cable No. 70068; the mountains shall be shades of Orchid, Cable No. 70133, and Amethyst, Cable No. 70134; the water shall be Grotto Blue, Cable No. 70022; the ships shall be Independence Blue, Cable No. 70076, and white; the smoke of the steamboat shall be Independence Blue, Cable No. 70076; the terrain shall be shades of Oakwood, Cable No. 70094, and Cork, Cable No. 70092; the miner's shirt and pick shall be Plum, Cable No. 70135; the rocker, bowl, and shovel shall be Golden Poppy, Cable No. 70071; the face and arms of Goddess Minerva and of the miner shall be Ecru, Cable No. 70103; the helmet and breastplate of Minerva shall be Robins Egg, Cable No. 70204; the dress of Minerva shall be white; the robe of Minerva and the pants of the miner shall be Cardinal, Cable No. 70081; the shield of Minerva and the sheaf of wheat shall be Spanish Yellow, Cable No. 70068 and Oakwood, Cable No. 70094; the spear of Minerva shall be Oakwood, Cable No. 70094 and the tip white; the vine shall be Spring Green, Cable No. 70061; the grass shall be Irish Green, Cable No. 70168; the bear shall be in colors as set forth in Section 420.

All white shall be Cable No. 70001.

All Cable number colors herein specified are those of the Textile Color Card Association of the United States, Inc., New York.

CHAPTER 920

An act to amend Sections 25210.13, 25210.80, 25210.80a, the title of Article 9 (commencing with Section 25210.90), Chapter 2.2, Part 2, Division 2, Title 3, Sections 35307, 35450, 35453, 54774, 54775, 54790, 54790.1, 54793, 54797, 54798, 54799.1, 56003.2, 56005, 56013, 56015, 56021, 56039, 56040, 56045, 56046, 56074, 56140, 56150, 56153, 56156, 56174, 56197, 56262, 56263, 56263.1, 56264, 56265, 56266, 56270, 56273, 56292, 56293, 56320, 56367, 56368, 56403, 56416, 56438, 56439, 56442, 56456, 58851 of the Government Code, and Sections 13998, and 32002 of the Health and Safety Code, to add Sections 25210.3a, 25210.3b, 54784.1, 54797.1, 54799.5, 56003.3, and 56295 to the Government Code, Article 2 (commencing with Section 6660) to Chapter 6, Part 1, Division 6 of the Health and Safety Code and Section 317 to the Public Utilities Code, and to repeal Sections 25210.81, 25210.82, 25210.83, 25210.84, 25210.84a, 25210.85, 25210.90 as added by Chapter 2043, Statutes of 1965, 25210.90a, 25210.91, 25210.92, 25210.93, 25210.94, 25210.95, 25210.96, 25210.97, 25210.98, Article 11 (commencing with Section 25212.1), Chapter 2.2, Part 2, Division 2, Title 3, Article 13 (commencing with Section 25213.1), Chapter 2.2, Part 2, Division 2, Title 3, Article 14 (commencing with Section 25214.1), Chapter 2.2, Part 2, Division 2, Title 3, Section 25366.5 of the Government Code, Section 4122 of the Health and Safety Code, Article 1.5 (commencing with Section 1186), Chapter 1, Division 6, and Article 4.5 (commencing with Section 1240), Chapter 1, Division 6 of the Military and Veterans Code, Section 14382 of the Public Utilities Code as added by Chapter 764, Statutes of 1951, and Section 53602 of the Water Code, relating to local agencies.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. Section 25210.13 of the Government Code is amended to read:

25210.13. No proceedings shall be instituted by the board or requested by its members, and no petition shall be circulated until approval of the local agency formation commission is first obtained pursuant to Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5.

SEC. 2. Section 25210.80 of the Government Code is amended to read:

25210.80. Unincorporated territory, whether or not it is contiguous to an existing county service area, may be annexed to such a county service area.

SEC. 3. Section 25210.80a of the Government Code is amended to read:

25210.80a. All or any part of a city may be annexed to a county service area, provided that the city must first file a resolution of consent, approved by a majority vote of its legislative body, with the clerk of the board of supervisors before the board adopts its resolution of intention pursuant to Section 56310.

SEC. 4. The title of Article 9 (commencing with Section 25210.90), Chapter 2.2, Part 2, Division 2, Title 3 of the Government Code is amended to read:

Article 9. Automatic Exclusion From County Service Areas

SEC. 5. Section 35307 of the Government Code is amended to read:

35307. The hearing shall be set not less than 40 nor more than 60 days after the passage of the resolution.

SEC. 13.3. Section 35450 of the Government Code is amended to read:

35450. The board of supervisors may effect the annexation to any city or cities of contiguous unincorporated territory consisting solely of a highway or highways, or portions thereof, bounded on both sides by city boundaries, pursuant to the provisions of this article. The local agency formation commission shall not approve a proposal unless it determines that the highway to be annexed is in a state of good repair.

SEC. 13.5. Section 35453 of the Government Code is amended to read:

35453. Any taxpayer of the county or of any city to which it is proposed that such territory be annexed, as well as any city whose boundaries are contiguous to the territory or territories proposed to be annexed, may object by filing a written protest with the board prior to the date set for the hearing.

SEC. 14. Section 54774 of the Government Code is amended to read:

54774. Among the purposes of a local agency formation commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local governmental agencies based upon local conditions and circumstances. One of the objects of the local agency formation commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governments in each county and to shape the development of local governmental agencies so as to advantageously provide for the present and future needs of each county and its communities.

In addition to its other powers the local agency formation commission may initiate and make studies of existing governmental agencies. Such studies may include but shall not be limited to inventorying such agencies and determining their maximum service area and service capacities. If such studies are made, the commission may ask for land use information, studies, and plans of cities, counties, and districts. Cities,

counties, and districts shall comply with the request of the commission for such information and the commission shall make its studies available to cities, counties, and districts. In making these studies, the commission may cooperate with the county planning commissions.

Such information and studies shall be used by the commission as the basis for regular decisions on proposals over which it has jurisdiction. The commission may recommend governmental reorganizations to particular agencies in the county, using the above information as the basis for such recommendations. Such recommendations shall be made available, upon request, to other governmental agencies or to the public.

The commission, or the board of supervisors on behalf of the commission, is authorized to apply for or accept, or both, any financial assistance and grants-in-aid from public or private agencies or from the state or federal government or from a local government.

SEC. 15. Section 54775 of the Government Code is amended to read:

54775. Unless the provisions or context otherwise require, the following definitions shall govern the construction of this chapter:

(a) "City officer" means the mayor or a member of the legislative body of the city.

(b) "Commission" means a local agency formation commission created pursuant to this chapter.

(c) "County officer" means a member of the board of supervisors, the county clerk, the county auditor or county controller, the county assessor, the county surveyor, or the county engineer or the county registrar of voters.

(d) "Initiate" or "initiation" means, in the case of proceedings, the first procedural step authorized or required by any law for the commencement of such proceedings, such step being one of the following:

(1) The circulation of a petition requesting any proceedings;

(2) The filing with any officer of a county or a local agency of a notice of intention to circulate such a petition; or

(3) The adoption by a legislative body of a county or a local agency of any resolution, order, or ordinance initiating proceedings on its own motion.

(e) "Local agency" means a city or a special district.

(f) "Principal county," in the case of a special district whose territory is or will be located in two or more counties, shall have the meaning contained in any definition of "principal county," as set forth in the law pursuant to which said special district was or is proposed to be formed. If the law pursuant to which the special district was, or is proposed to be, formed contains no such definition, for purposes of this chapter "principal county" means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the counties, of the tax-

able property in, or proposed to be included in, the special district.

(g) "Proceedings" means the procedure authorized and required by any law for the incorporation of a new city, the formation of a special district, the annexation of territory to a local agency or the exclusion of territory from a city.

(h) "Proponent" means any person intending to circulate or cause the circulation of any petition.

(i) "Special district" means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. "Special district" does not include the state, a city, a county, or a school district. "Special district" does include a county service area but does not include a special assessment district formed under the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Street Opening Act of 1903, the Vehicle Parking District Law of 1943, the Parking District Law of 1951, the Pedestrian Mall Law of 1960, or any similar assessment law, or any similar procedural ordinance adopted by a chartered city. "Special district" does not include an improvement district or zone formed for the sole purpose of designating an area which is to bear a special tax or assessment for an improvement benefiting that area.

SEC. 17. Section 54790 of the Government Code is amended to read:

54790. The commission shall have the following powers and duties, subject to the limitations upon its jurisdiction herein set forth:

(a) To review and approve or disapprove with or without amendment, wholly, partially or conditionally proposals for:

(1) The incorporation of cities;

(2) The formation of special districts, and

(3) The annexation of territory to local agencies, (other than local agencies the annexation of territory to which is required to be made pursuant to the provisions of Division 1 (commencing with Section 56000) of Title 6 of this code); provided that a commission shall not impose any conditions which would regulate land use or subdivision requirements.

(4) The exclusion of territory from a city.

(5) The disincorporation of a city.

(b) To adopt standards and procedures for the evaluation of proposals.

(c) To make and enforce rules and regulations for the orderly and fair conduct of hearings by the commission.

(d) To incur usual and necessary expenses for the accomplishment of its functions.

(e) To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission.

(f) To review the boundaries of the territory involved in any proposal with respect to the definiteness and certainty thereof, the nonconformance of proposed boundaries with lines

of assessment or ownership, and other similar matters affecting the proposed boundaries.

(g) To waive the restrictions of Section 34312 and of subdivision (1) of Section 35002.3, and Sections 35158 and 35326 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

SEC. 18. Section 54790.1 of the Government Code is amended to read:

54790.1. In any commission order giving approval to any of the matters provided for by subdivision (a) of Section 54790, the commission may make such approval conditional upon:

(a) The initiation, conduct or completion of proceedings for a change of organization or a reorganization under and pursuant to the District Reorganization Act of 1965, Division 1 (commencing at Section 56000) of Title 6 of this code; and

(b) The approval or disapproval, with or without election, as may be provided by said District Reorganization Act of 1965, of any resolution or ordinance ordering any such change of organization or reorganization.

If the commission shall so condition its approval, the commission may order that any further action pursuant to this chapter shall be continued and held in abeyance for such period of time as the commission may designate, not to exceed six months from the date of such conditional approval.

Any such commission order may also provide that any election called upon any of the matters provided for by said subdivision (a) of Section 54790 shall be called, held and conducted before, upon the same date as, or after the date of any election to be called, held and conducted upon a change of organization or reorganization pursuant to the provisions of said District Reorganization Act of 1965.

Any such commission order may also provide that in any election at which the questions of annexation and district reorganization or incorporation and district reorganization are to be considered at the same time, there shall be a single question appearing on the ballot upon the issues of annexation and district reorganization or incorporation and district reorganization.

SEC. 19. Section 54793 of the Government Code is amended to read:

54793. When an application is filed with the executive officer pursuant to this part, he shall set a date, time, and place for a hearing by the commission on said application. The date of the hearing shall not be more than 70 days following the date of such filing. At least 15 days prior to any hearing, the executive officer shall give mailed notice of the hearing to each affected county, city, or district, to any interested party or local agency who has filed a written request

for such notice with the executive officer, and to any officers or persons designated in the application for the purpose of receiving mailed notice. In addition, at least 15 days prior to the hearing upon a proposal for the annexation of territory to a city, the incorporation of a new city or for the formation of a district, notice of hearing shall be published by the executive officer, in accordance with Section 6061, in a newspaper of general circulation which is circulated within the affected territory.

SEC. 20. Section 54797 of the Government Code is amended to read:

54797. The commission may continue the hearing from time to time, not to exceed 70 days from the date specified in the notice of hearing. Within 35 days after the conclusion of the hearing, the commission shall adopt a resolution making its determination upon the proposal.

If the commission approves a proposal, proceedings shall thereafter be initiated, conducted and completed pursuant to those provisions of law which are applicable to the proposal as it has been approved by the commission. If the commission approves the proposal with modifications or conditions, proceedings may be initiated, conducted and completed only in compliance with such modifications or conditions. If the commission disapproves of the proposal, further proceedings shall terminate.

Upon the filing with the Secretary of State of any notice or other document which is authorized or required by law to be filed with him upon completion of any proceedings, said Secretary of State shall give written notice of such filing to the executive officer of each county within which any of the territory affected by such proceedings shall be located.

SEC. 21. Section 54798 of the Government Code is amended to read:

54798. If two or more proposals pending before the commission shall conflict or in any way be inconsistent with each other, the commission may determine the relative priority for conducting any further proceedings based upon any such proposals. Any such determinations shall be included in the terms and conditions imposed by the commission. In the absence of any such determination, priority shall be given to that proceeding which shall be based upon the proposal first filed with the executive officer.

SEC. 22. Section 54799.1 of the Government Code is amended to read:

54799.1. If any legislative body shall desire any addition, deletion, amendment or revision of any commission resolution making determinations or any term, condition or other provision contained therein, such legislative body may file written application therefor with the executive officer who shall present the same to the commission at its next meeting. The commission, in its discretion, may either (i) without further notice and hearing, deny or approve such application in whole or in

part, or (ii) provide for notice and hearing upon said application, in the same manner as for the original proposal, prior to denying or approving the same.

SEC. 23. Section 56003.2 of the Government Code is amended to read:

56003.2. If any fire protection district or fire district shall be organized under Part 2.7 (commencing with Section 13801) of Division 12 of the Health and Safety Code, Chapter 1 (commencing with Section 14001) of Part 3, said Division 12, Chapter 2 (commencing with Section 14400) of Part 3, said Division 12, or Chapter 3 (commencing with Section 14600) of Part 3, said Division 12, the foregoing laws shall provide an additional and alternative authority and procedure for the initiation, conduct and completion of detachments of territory from any such district or for the dissolution thereof. When a proceeding for a detachment or dissolution is made pursuant to any of the foregoing laws, only the provisions of such laws shall be applicable to the initiation, conduct and completion of such proceedings, and this division and the repeals, amendments and additions made by the act enacting this division shall not apply thereto.

SEC. 23.1. Section 56005 of the Government Code is amended to read:

56005. Where the principal act of any parent district provides that the boundaries of the parent district shall be automatically changed in the event of a change in the boundaries of a member district, or that the boundaries of the parent district may be concurrently changed with a change in the boundaries of a member district, the boundaries of said parent district shall be deemed to be automatically, or may be concurrently, changed, as the case may be, when proceedings are in accordance with the provisions of the principal acts of any such parent district, upon completion of a change of organization or a reorganization changing the boundaries of said member district. The local agency formation commission of the principal county of the member district shall have exclusive jurisdiction over such a change in boundaries of the member district and also of any parent district subject to this division.

SEC. 24. Section 56013 of the Government Code is amended to read:

56013. If any reorganization shall provide for the formation of any new district or districts, such district or districts shall be deemed to have been formed upon compliance with the procedure and provisions of this division relating to reorganization. If the terms and conditions of any change of organization or reorganization provide for the formation of an improvement district or for the annexation or detachment of territory to or from an existing improvement district, such formation, annexation or detachment shall be deemed to have been completed upon compliance with the procedure and provisions of this division relating to change of organization or reorganization. In any proceeding for a change of organiza-

tion or a reorganization providing for territory to be formed into or annexed to or detached from an improvement district, the clerk of the county or of the district, as the case may be, shall give mailed notice of hearing on the proposed change of organization or reorganization to all landowners owning land within such territory. No further or separate proceedings need be taken for the formation of any such district or improvement district or for the annexation or detachment of territory to or from the existing improvement district. To that extent only, the provisions of this division shall govern and provide the exclusive procedure for the formation of any such new districts or improvement districts or for the annexation or detachment of territory to or from existing improvement districts and the provisions of the principal act relating to the formation of such districts or improvement districts or for the annexation or detachment of territory to or from existing improvement districts shall have no application thereto.

SEC. 25. Section 56015 of the Government Code is amended to read:

56015. If the legislative body of any of the districts, agencies or authorities enumerated in subdivision (m) of Section 56039 desires a determination by the commission that such district, agency or authority is not a "district" within the meaning of this division, such legislative body, prior to the adoption of any ordinance, resolution or order proposing, declaring an intention or initiating proceedings to make a change of organization, shall make application to the commission of the principal county describing the proposed change of organization and requesting such a determination. If a proposal is initiated by other than the legislative body of a district, the district may, within 10 days of notification by the commission of the initiation of the proposal, request a determination by the commission that it is not a "district." Any such application shall be filed with the executive officer and shall be presented to the commission not later than its next regular meeting. The executive officer shall give the legislative body filing any such application mailed notice of the time and place at which such application will be presented to the commission. No other notice is required to be given, provided, that the commission, prior to making its findings and determinations, may order the executive officer to give notice of the filing and presentation of such application by publication or by mailing to other affected counties, cities and districts, or by both.

SEC. 26. Section 56021 of the Government Code is amended to read:

56021. "Affected city" means each city (i) which contains territory for which a change of organization is proposed or ordered, (ii) which would contain such territory as a result of proceedings taken pursuant to this division or to the city annexation laws or (iii) which contains all or any part of a district for which a change of organization is proposed or ordered with respect to territory outside such city.

SEC. 28. Section 56039 of the Government Code is amended to read:

56039. "District" means an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries. "District" shall include a county service area but shall exclude the following:

(a) The state;

(b) A county;

(c) A city, except for the provisions of this division pertaining to a merger or the establishment of a subsidiary district;

(d) A school district;

(e) A unified or union high school library district;

(f) A special assessment district;

(g) An improvement district;

(h) A soil conservation district;

(i) An air pollution control district;

(j) A bridge and highway district or a joint highway district;

(k) A transit or rapid transit district or authority;

(*l*) A metropolitan water district;

(m) A flood control district, a flood control and floodwater conservation district, a flood control and water conservation district, a conservation district, a water conservation district, a water replenishment district, the Orange County Water District, a California water storage district, a water agency, a county water authority or a water authority, provided, that the commission of the principal county shall determine, in accordance with Sections 56015 and 56016 inclusive, that any district, agency or authority enumerated in this subdivision (m) is not a "district" within the meaning of this division.

SEC. 29. Section 56040 of the Government Code is amended to read:

56040. "District of limited powers" means an airport district, community services district, municipal utility district, public utilities district, fire protection district, harbor district, port district, recreational harbor district, small craft harbor district, resort improvement district, library district, local hospital district, local health district, municipal improvement district formed pursuant to any special act, municipal water district, police protection district, recreation and park district, garbage disposal district, garbage and refuse disposal district, sanitary district, county sanitation district, public cemetery district, California water district, county water district, county waterworks district or irrigation district.

SEC. 29.5. Section 56045 of the Government Code is amended to read:

56045. "Inhabited territory" means territory within which there reside 12 or more persons who have been registered to vote within such territory for at least 54 days prior to the date of initiation of preliminary proceedings.

SEC. 30. Section 56046 of the Government Code is amended to read:

56046. "Landowner" or "owner of land" means: any person shown as the owner of land on the last equalized assessment roll; where such person is no longer the owner, then any person entitled to be shown as owner of land on the next assessment roll; where land is subject to a recorded written agreement of sale, any person shown therein as purchaser; and any public agency owning land. "Landowner" or "owner of land" shall not include a public agency which owns highways, rights-of-way, easements, waterways, or canals.

SEC. 31. Section 56074 of the Government Code is amended to read:

56074. "Uninhabited territory" means territory within which there reside less than 12 persons who have been registered to vote within such territory for at least 54 days prior to the date of initiation of preliminary proceedings.

SEC. 33. Section 56140 of the Government Code is amended to read:

56140. A proposal may be made by petition. Any such petition shall contain substantially the following:

(a) State that the proposal is made pursuant to this division.

(b) State the nature of each proposed change of organization and the name or names of all districts and cities for which any such change of organization is proposed.

(c) If any proposed change of organization is for any annexation or detachment, state whether the territory proposed to be annexed or detached is inhabited or uninhabited and set forth a description of the exterior boundaries of such territory.

(d) If the proposal is for a reorganization and requests the formation of a new district or districts, designate the principal act or acts under which said district or districts are proposed to be formed and set forth a description of the exterior boundaries of the territory proposed to be included therein.

(e) Set forth any proposed terms and conditions to which the proposed change of organization or reorganization is desired to be subject.

(f) State the reason or reasons for the proposal.

(g) State, or indicate opposite each signature, whether the signers of the petition are resident-voters, landowner-voters or landowners.

(h) Request that proceedings be taken for the change of organization or reorganization proposed therein.

SEC. 33.5. Section 56150 of the Government Code is amended to read:

56150. No petition shall be accepted for filing unless the signatures thereon shall have been secured within six months of the date on which the first signature on the petition was affixed and such petition is submitted to the executive officer for filing within 60 days after the last signature is affixed. If

the elapsed time between the date on which the last signature is affixed and the date on which the petition is submitted for filing is more than 60 days, the executive officer shall file such petition in accordance with Section 56156.

SEC. 34. Section 56153 of the Government Code is amended to read:

56153. If the certificate of the executive officer shows the petition has not been signed by the requisite number of signers, for a permissive petition, or a mandatory petition, he shall certify in which particular the petition is insufficient and shall give mailed notice thereof to the chief petitioners, if any. Within 10 days after the date of a certificate of insufficiency, a supplemental petition bearing additional signatures may be filed with the executive officer.

SEC. 35. Section 56156 of the Government Code is amended to read:

56156. If the petition, including any supplemental petition, shall be certified to be insufficient as a permissive petition, it shall be filed with the executive officer as a public record, without prejudice to the filing of a new petition.

SEC. 35.5. Section 56174 of the Government Code is amended to read:

56174. Notwithstanding the provisions of Section 56173, a petition for the dissolution of a resident-voter district, signed by three or more resident-voters within the district or by three or more landowners within a landowner-voter district, shall be deemed to be a permissive petition, if, in addition to the matters required by Section 56140, such petition shall recite that the district has been in existence for at least three years and shall state, on information and belief, that there has been nonuser of the corporate powers of such district and that one or more of the following conditions have existed or now exist:

(a) That during the three-year period preceding the date of the first signature upon the petition:

(1) There has not been a duly selected and acting quorum of the board of directors of the district;

(2) The board of directors has failed to furnish or provide services or facilities of substantial benefit to residents, landowners or property within the district; or

(3) The board of directors has failed to levy or fix and collect any taxes, assessments, service charges, rentals or rates or to expend the proceeds thereof for district purposes.

(b) That during the one-year period preceding the date of the first signature upon the petition a quorum of the duly selected and acting board of directors has failed or refused to meet for the purpose of transacting district business.

(c) That, upon the date of the first signature upon the petition, the district had no assets, other than money in the form of cash, investments or deposits.

SEC. 36. Section 56197 of the Government Code is amended to read:

56197. A resolution of application for any change of organization, other than a reorganization, shall be deemed mandatory. All resolutions of application for a reorganization shall be deemed permissive except that such resolutions shall be deemed mandatory where the legislative body of each subject district shall have proposed substantially the same plan of reorganization for all such subject dis ricts.

SEC. 37. Section 56262 of the Government Code is amended to read:

56262. Upon the filing with the executive officer of any mandatory petition or resolution of application or any report and recommendation of a reorganization committee, said executive officer shall set the matter for public hearing by the commission and fix a date, time and place for such hearing. The date of the hearing shall not be more than 70 days after such filing.

SEC. 38. Section 56263 of the Government Code is amended to read:

56263. Prior to approval of any permissive petition or resolution of application presented to the commission pursuant to Section 56157 or 56198, or where the commission desires to provide for notice and hearing prior to making a determination on a matter which the commission is authorized, but not required, to determine without notice and hearing, the commission shall order a public hearing thereon and set a date, time and place for such hearing. The date of hearing shall not be more than 70 days after the date of said order.

Failure of the commission to order notice and hearing upon any permissive petition or resolution of application within 30 days after presentation to the commission shall be deemed disapproval thereof by the commission

SEC. 39. Section 56263.1 of the Government Code is amended to read:

56263.1. If any mandatory or permissive petition or resolution of application shall propose, as a part thereof, that the district shall furnish gas or electric service, as provided in Sections 56017 to 56019, inclusive, a certified copy of the report of the Public Utilities Commission must be on file with the executive officer prior to setting any such petition or resolution for public hearing by the commission.

SEC. 40. Section 56264 of the Government Code is amended to read:

56264. The executive officer shall give notice of any hearing by the commission by publication, as provided in Sections 56083 and 56084, and by posting, as provided in Sections 56085 and 56086.

SEC 41 Section 56265 of the Government Code is amended to read:

56265. The executive officer shall also give mailed notice of any hearing by the commission, as provided in Sections 56087 to 56089, inclusive, by mailing notice of hearing:

(a) To each affected county, city or district;

(b) To the chief petitioners, if any;

(c) To each person who shall have filed a written request for special notice with the executive officer; and

(d) If the proposal is for any annexation or detachment or for a reorganization providing for the formation of a new district, to each city within three miles of the exterior boundaries of the territory proposed to be annexed, detached or formed into a new district.

SEC. 42. Section 56266 of the Government Code is amended to read:

56266. The hearing shall be held by the commission upon the date and at the time and place specified. The hearing may be continued from time to time but not to exceed 70 days from the date specified in the original notice.

SEC. 43. Section 56270 of the Government Code is amended to read:

56270. At any time not later than 35 days after the conclusion of the hearing, the commission shall adopt a resolution making determinations approving or disapproving the proposal or the plan of reorganization, any alternative plan of reorganization and the report and recommendation of a reorganization committee. In any resolution approving any such proposal, plan of reorganization, alternative plan of reorganization, or report and recommendation of a reorganization committee, the commission may determine that the same shall be made subject to any of the terms and conditions authorized by Section 56470, as the commission may specify in said resolution; provided, that the commission shall not specify any term or condition which shall not be fair, just and equitable.

SEC. 44. Section 56273 of the Government Code is amended to read:

56273. If the commission wholly disapproves any proposal or plan of reorganization, no further proceedings shall be taken for such change of organization or plan of reorganization. No new proposal for the same or substantially the same change of organization or plan of reorganization for the same district or districts may be filed with the commission within one year after the date of such disapproval, provided the commission may waive or shorten such time limitation if it finds the same to be in the public interest.

SEC. 45. Section 56292 of the Government Code is amended to read:

56292. Following receipt of a copy of the commission's resolution making determinations, the clerk of the county or of the conducting district, as the case may be, shall present such resolution to the board of supervisors or to the board of directors of such district Not later than 35 days after the date of adoption of said commission's resolution, the legislative body of the county or a conducting district, shall adopt a resolution initiating proceedings in compliance with said commission's resolution.

SEC. 45.5. Section 56293 of the Government Code is amended to read:

56293. After the expiration of 35 days from the date of adoption of the commission's resolution making determinations, the commission may by resolution certify to the board of supervisors of the principal county:

(a) That the executive officer was unable to effect mailing or delivery of a certified copy of the commission's resolution making determinations to any conducting district by reason of:

(1) The failure of the board of directors of a conducting district to make the filing required by Section 53051; or

(2) The return, undelivered, of such certified copy after having been mailed to the clerk of a conducting district at the address specified in the filing required by Section 53051; or

(b) That the board of directors of a conducting district has failed or refused to initiate proceedings for the change of organization in compliance with the commission's resolution making determination.

SEC. 46. Section 56320 of the Government Code is amended to read:

56320. The board of directors may order such territory annexed to or detached from the district either without election or subject to confirmation by the voters upon the question of such annexation or detachment. However, the board of directors shall not order any such annexation or detachment without election unless the board of directors finds:

(a) In the case of a resident-voter district, that the territory is uninhabited, or in the case of a landowner-voter district, that the territory is uninhabited and that written protests filed and not withdrawn represent less than 25 percent of the number of landowners within such territory, owning not more than 25 percent of the assessed value of land therein, or

(b) In the case of inhabited territory, that written protests filed and not withdrawn represent

(1) Less than 25 percent of the number of landowners within such territory owning not more than 25 percent of the assessed value of land therein; and

(2) Less than 25 percent of the voting power of voters entitled to vote as a result of residing in or owning property within such territory.

SEC. 47. Section 56367 of the Government Code is amended to read:

56367. In any resolution ordering a dissolution, the board of supervisors shall make findings upon one or more of the following matters:

(a) That there has been a nonuser of corporate powers, as specified in Section 56174, and a reasonable probability that such nonuser may continue.

(b) That the dissolution of the district will be for the interest of landowners or present or future inhabitants within such district or both.

(c) That the district is a resident-voter district and is uninhabited.

SEC. 48. Section 56368 of the Government Code is amended to read:

56368. In any resolution ordering the dissolution of a district where there is a finding of nonuser of the corporate powers of such district or that the district is a resident-voter district and is uninhabited, the board of supervisors may order such dissolution either without election or subject to confirmation by the voters upon the question of such dissolution. In all other cases such resolution shall order such dissolution, subject to confirmation by the voters upon the question of such dissolution.

SEC. 49. Section 56403 of the Government Code is amended to read:

56403. An order establishing a district of limited powers as a subsidiary district may be adopted if upon the date of such order:

(a) The entire territory of such district shall be included within the boundaries of a city; or

(b) A portion or portions of the territory of such district shall be included within the boundaries of a city and such portion or portions represent 80 percent or more of the area of taxable or assessable land within such district, as shown on the last equalized assessment roll of the county.

SEC. 49.5. Section 56416 of the Government Code is amended to read:

56416. Subject to the limitations of Sections 56402 and 56403, upon the conclusion of the hearing, the board of supervisors shall adopt a resolution taking one of the following final actions:

(a) Disapproval of a merger or the establishment of a subsidiary district, or both; or

(b) The ordering of a merger or the establishment of a subsidiary district, or both, subject to confirmation by the voters upon the questions, as the case may be, of (i) merger, (ii) the establishment of a subsidiary district, or (iii) both.

(c) The ordering of a merger or the establishment of a subsidiary district without an election, provided that both the city council and the district board of directors shall have filed with the board of supervisors at the time of the hearing provided for in Section 56413 a resolution consenting to the merger or the establishment of the subsidiary district.

SEC. 50. Section 56438 of the Government Code is amended to read:

56438. Where a proposed reorganization consists solely of annexations, detachments or minor boundary changes, or any combination thereof, a majority protest shall be deemed to exist and the proposed reorganization shall be abandoned if

the board of supervisors finds that written protests filed and not withdrawn prior to the conclusion of the hearing represent:

(a) More than 50 percent of the assessed value of land within all territory proposed to be annexed or detached; or

(b) More than 50 percent of the voting power of voters entitled to vote as a result of residing within or owning land within such territory.

If there is no such majority protest, the board of supervisors shall not order such reorganization without election, unless the board of supervisors finds:

(1) In the case of a resident-voter district, that such territory is uninhabited, or in the case of a landowner-voter district, that the territory is uninhabited and the written protests filed and not withdrawn represent less than 25 percent of the number of landowners within such territory, owning less than 25 percent of the assessed value of land therein; or

(2) In the case of inhabited territory, that written protests filed and not withdrawn represent:

(a) Less than 25 percent of the number of landowners within all territory proposed to be annexed or detached, owning not more than 25 percent of the assessed value of land therein; and

(b) Less than 25 percent of the voting power of voters entitled to vote as a result of residing within or owning land within such territory.

SEC. 51. Section 56439 of the Government Code is amended to read:

56439. Not later than 30 days after the conclusion of the hearing, the board of supervisors shall adopt a resolution taking one of the following actions:

(a) Disapproval of the proposed reorganization; or

(b) The ordering of such reorganization, subject to confirmation of the voters upon the question thereof; or

(c) The ordering of such reorganization without an election in compliance with the provisions of Section 56438.

SEC. 52. Section 56442 of the Government Code is amended to read:

56442. A "major district" means any single subject district which has voting power greater than the combined voting power of all other subject districts except that no "major district" shall be deemed to exist where the territory of a single subject district overlaps the entire territory covered by the proposed reorganization A "minor district" means any subject district which is not a major district. The voting power of the respective subject districts shall be determined as follows:

(a) The total number of votes authorized to be cast within each subject district shall be determined for the entire territory of such district, including all overlapping territory.

(b) If the election is to be called and held within any territory ordered annexed to or detached from a subject district, the voting power of such district shall be determined with

respect only to the territory ordered annexed or detached and not the entire territory of such district.

(c) If all of the subject districts are cities or resident-voter districts, the respective voting power thereof shall be the total number of registered voters within each such city or district at the close of registration, as provided in the Elections Code, next preceding the date of election fixed in the resolution ordering the reorganization, subject to confirmation of the voters.

(d) If all of the subject districts are landowner-voter districts, the respective voting power thereof shall be deemed to be the assessed value of land, as shown on the last equalized assessment roll of the county, within each such district.

(e) If the subject districts consist of any landowner-voter district and also any city or resident-voter district, the respective voting power thereof shall be computed and equated in the manner provided in Section 56118, except that computation may be made for such date, not earlier than 21 days before the close of registration, as provided in the Elections Code, next preceding the date of the election nor later than such close of registration, as the board of supervisors may specify.

SEC. 54. Section 56456 of the Government Code is amended to read:

56456. If an effective date is fixed in the terms and conditions, such date shall be the effective date of a change of organization or reorganization.

No effective date shall be fixed which will be:

(a) Earlier than the date of filing with the Secretary of State, or

(b) Later than the earlier of:

(1) One year after the date of filing the certificate of completion with the Secretary of State, or

(2) The due date of any taxes or assessments levied upon property within the territory which was the subject of the change of organization or reorganization.

SEC. 55. Section 58851 of the Government Code is amended to read:

58851. The county surveyor and the county assessor shall review the boundary description contained in those proposals which are not subject to the jurisdiction of the local agency formation commission pursuant to Chapter 6.6 (commencing with Section 54775) of Part 1 of Division 2 of Title 5 or Division 1 (commencing with Section 56000), Title 6 of this code. Whenever the county boundary commission is referred to in state law, the reference shall be deemed to be to the local agency formation commission when the reference is in connection with any proposal over which the local agency formation commission has jurisdiction.

SEC. 56. Section 13998 of the Health and Safety Code is amended to read:

13998. The district board shall file a report of the following types of action, together with a map describing the new

boundaries when changes are made, with the State Board of Equalization and the county assessor:

(a) District formation, annexations, inclusions, consolidation, and dissolution.

(b) Inclusion of a city in the district.

(c) Withdrawal of a city due to incorporation or otherwise.

(d) The creation or abolishment of special fire protection zones.

SEC. 57. Section 32002 of the Health and Safety Code is amended to read:

32002. The manner of formation of local hospital districts, and the conducting of elections, unless otherwise provided herein shall be as in the manner provided by Chapter 1, Division 1 of Title 6 of the Government Code. All of the provisions of said chapter are hereby incorporated in this division by reference and shall have the same effect and force as if fully set forth herein. In addition to all other requirements regarding formation of hospital districts, no hearing upon the petition to form a hospital district shall be held until there shall have been filed with the supervising authority a certificate from the State Department of Public Health stating its findings in accordance with the standards established for allocated funds under the California Hospital Survey and Construction Act, upon the following facts:

(a) The need for hospital beds in the hospital service area to be served.

(b) The fulfillment of needs in the service area based upon hospital beds in existence or under construction.

(c) Upon request of the supervising authority the State Department of Public Health shall furnish its findings regarding (a) and (b).

SEC. 58. Section 25210.3a is added to the Government Code, to read:

25210.3a. No proceedings for the establishment of a county service area may be instituted until the approval of the local agency formation commission is first obtained pursuant to Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5 of this code.

SEC. 59. Section 25210.3b is added to the Government Code, to read:

25210.3b. Territory may be annexed to or detached from a county service area and a county service area may be dissolved, consolidated, or reorganized. All proceedings therefor shall be taken under and pursuant to the District Reorganization Act of 1965 (commencing at Section 56000).

SEC. 61. Section 54784.1 is added to the Government Code, to read:

54784.1. Each local agency formation commission may adopt rules and regulations with respect to disqualification of members from participating in the review of a proposal. In the absence, however, of any such rule or regulation, the provisions of Section 54784 shall apply.

SEC. 61.5. Section 54797.1 is added to the Government Code, to read:

54797.1. If an application for an annexation to a city is signed by all of the owners of land within the territory proposed to be annexed, or is accompanied by proof, satisfactory to the commission, that all of the owners within such territory have given their written consent to such annexation, the commission may approve such annexation without notice and hearing. In such cases the commission may also approve and authorize the legislative body of the city to annex such territory (i) without notice and hearing by the legislative body, (ii) without an election, or (iii) both.

As used in this section "owner of land" means: any person shown as the owner of land on the last equalized assessment roll; where such person is no longer the owner, then any person entitled to be shown as owner of land on the next assessment roll; where land is subject to a recorded written agreement of sale, any person shown therein as purchaser; and any public agency owning land.

SEC. 61.7. Section 54799.5 is added to the Government Code, to read:

54799.5. Notwithstanding the provisions of Section 54779, when an existing or proposed special district or city is eligible to qualify as a member district or city by the annexation of all or any part of the territory of such existing or proposed special district or city to a parent district, or when territory is proposed to be annexed to such existing special district or city which is already a member district or city concurrently with the annexation of such territory to such parent district, the local agency formation commission of the principal county of such special district or city shall have exclusive jurisdiction over all proceedings affecting the boundaries of both the member district or city and the parent district. As used in this section, "member district" and "parent district" shall have the meanings set forth in Sections 56053.1 and 56059.1.

SEC. 62. Section 56003.3 is added to the Government Code, to read:

56003.3. If any county service area shall be organized under Chapter 2.2 (commencing with Section 25210.1) of Part 2, Division 2, Title 3 of this code, such chapter shall provide an additional and alternative authority and procedure for the initiation conduct and completion of detachments of territory from any such service area. When a proceeding for detachment is made pursuant to such chapter, only the provisions of such chapter shall be applicable to the initiation conduct and completion of such proceedings and this division shall not apply thereto.

SEC. 63. Section 56295 is added to the Government Code, to read:

56295. In proceedings for an annexation, detachment or minor boundary change or for a reorganization consisting solely of annexations or detachments, or both, a written pro-

test must show the date that each signature was affixed to such protest. All signatures bearing no date or bearing a date prior to the date of adoption of the resolution initiating proceedings shall be disregarded for the purpose of ascertaining the existence of a majority protest. Any person who shall have signed a written protest may withdraw his name from such protest at any time prior to the ascertainment of a majority protest.

SEC. 64. Article 2 (commencing with Section 6660) is added to Chapter 6, Part 1, Division 6 of the Health and Safety Code, to read:

Article 2. Bonds of Annexed Territory

6660. At any time after the annexation of territory, the board may issue bonds to raise money for any of the purposes stated in Section 6512 hereof in or for the benefit of said annexed area in the same manner as in any other part of the district, except, only qualified electors resident within the annexed territory are entitled to petition or vote in the proceedings. In the event any such bonds are issued in such annexed territory, or in lieu thereof proceedings are had under Article 3 of Chapter 4 of this part, said territory shall not be subject to taxation for any bonds of the district or of any area previously annexed thereto theretofore authorized to be issued for one or more of the same purposes under Article 1 of Chapter 6 of this part. When no such bond proceedings are intended to be taken in such territory, then in the order of the sanitary board fixing the boundaries thereof, or by resolution adopted subsequently thereto when it is found by said sanitary board to be necessary in order to provide equality of taxation in said annexed area, said sanitary board may determine that said annexed area shall not be subject to taxation for any prior indebtedness of said district or of any other part thereof. Certified copies of said resolution shall be filed with the county clerk and also with the county assessor and with the State Board of Equalization in Sacramento and thereafter said annexed area shall not be subject to taxation for any such prior indebtedness.

6661. The provisions of this part with reference to bonds in annexed territory do not limit the powers or alter the procedure provided for the issuance of bonds by an entire district and payable out of taxes levied upon all taxable property whether the boundaries of the district remain as originally established or have been altered by annexation.

SEC. 65. Section 317 is added to the Public Utilities Code, to read:

317. The commission may request the local agency formation commission to advise it as to any special districts as defined in Section 54775 of the Government Code who are authorized and capable of performing comparable utility service within an area for which a public utility is seeking certification.

SEC. 66. Section 25210.81 of the Government Code is repealed.

SEC. 67. Section 25210.82 of the Government Code is repealed.

SEC. 68. Section 25210.83 of the Government Code is repealed.

SEC. 69. Section 25210.84 of the Government Code is repealed.

SEC. 70. Section 25210.84a of the Government Code is repealed.

SEC. 71. Section 25210.85 of the Government Code is repealed.

SEC. 72. Section 25210.90 of the Government Code as added by Chapter 2043, Statutes of 1965, is repealed.

SEC. 73. Section 25210.90a of the Government Code is repealed.

SEC. 74. Section 25210.91 of the Government Code is repealed.

SEC. 75. Section 25210.92 of the Government Code is repealed.

SEC. 76. Section 25210.93 of the Government Code is repealed.

SEC. 77. Section 25210.94 of the Government Code is repealed.

SEC. 78. Section 25210.95 of the Government Code is repealed.

SEC. 79. Section 25210.96 of the Government Code is repealed.

SEC. 80. Section 25210.97 of the Government Code is repealed.

SEC. 81. Section 25210.98 of the Government Code is repealed.

SEC. 82. Article 11 (commencing with Section 25212.1), Chapter 2.2, Part 2, Division 2, Title 3 of the Government Code is repealed.

SEC. 83. Article 13 (commencing with Section 25213.1), Chapter 2.2, Part 2, Division 2, Title 3 of the Government Code is repealed.

SEC. 84. Article 14 (commencing with Section 25214.1), Chapter 2.2, Part 2, Division 2, Title 3 of the Government Code is repealed.

SEC. 85. Section 25366.5 of the Government Code is repealed.

SEC. 87. Section 4122 of the Health and Safety Code is repealed.

SEC. 88. Article 1.5 (commencing with Section 1186), Chapter 1, Division 6 of the Military and Veterans Code is repealed.

SEC. 89. Article 4.5 (commencing with Section 1240) of Chapter 1, Division 6 of the Military and Veterans Code is repealed.

SEC. 90. Section 14382 of the Public Utilities Code as added by Chapter 764, Statutes of 1951, is repealed.

SEC. 91. Section 53602 of the Water Code is repealed.

CHAPTER 921

An act to amend Section 13457 of the Education Code, relating to public school employees.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. Section 13457 of the Education Code is amended to read:

13457. The governing board of any school district may grant any employee of the district employed in a position requiring certification qualifications, a leave of absence for not to exceed one year for the purpose of permitting study or travel by the employee which will benefit the schools and pupils of the district. The governing board may provide that such a leave of absence be taken in separate six-month periods or separate quarters rather than for a continuous one-year period, provided that the leave of absence for both of the separate six-month periods or any or all quarters shall be commenced and completed within a three-year period. Any period of service by the individual intervening between the two separate six-month periods or separate quarters of the leave of absence shall comprise a part of the service required for a subsequent such leave of absence.

If any leave of absence commenced upon within three years prior to the effective date of the amendments to this section adopted at the 1961 Regular Session of the Legislature, was taken in one or more separate periods of less than one year, the period of service intervening between such separate periods shall comprise a part of the service required for a subsequent such leave of absence.

CHAPTER 922

An act to add Section 70050.7 to the Government Code, relating to Yolo County court reporters.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. Section 70050.7 is added to the Government Code, to read:

70050.7. In each county with a population of more than 60,000 and less than 65,800 as determined by the 1960 federal census the compensation of official reporters in the superior court shall be fifty dollars ($50) per day.

CHAPTER 923

An act to amend Section 1538 of, and to add Section 1538.6 to, the Probate Code, relating to powers of guardians.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. Section 1538 of the Probate Code is amended to read:

1538. Promissory notes for money borrowed, mortgages, deeds of trust, leases except as provided in Section 1538.6, and agreements for the sale of, or for options to purchase, mining claims or real property worked as mines, may be executed by guardians, with respect to the property of their wards, only upon obtaining an order of court authorizing the same. The proceedings to obtain any such order and the proceedings thereunder must conform, as nearly as may be, to the provisions of this code concerning similar proceedings by administrators.

SEC. 2. Section 1538.6 is added to the Probate Code, to read:

1538.6. A guardian may lease real property without an order of court when the rental does not exceed two hundred fifty dollars ($250) a month and the term does not exceed one year or, regardless of the amount of the rental, when the lease is from month to month.

CHAPTER 924

An act to amend Sections 17204, 17266 and 17653 of the Revenue and Taxation Code, relating to personal income taxes.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. Section 17204 of the Revenue and Taxation Code is amended to read:

17204. (a) Except as otherwise provided in this section and Section 17205, the following taxes shall be allowed as a deduction for the taxable year within which paid or accrued:

(1) State and local, and foreign, real property taxes;

(2) State and local personal property taxes;

(3) State and local general sales taxes;

(4) State and local taxes on the sale of gasoline, diesel fuel, and other motor fuels; and

In addition, there shall be allowed as a deduction state and local, and foreign, taxes not described in the preceding sentence which are paid or accrued within the taxable year in carrying on a trade or business or an activity described in Section 17252 (relating to expenses for production of income).

(b) For purposes of this section and Section 17205—

(1) The term "personal property tax" means an ad valorem tax which is imposed on an annual basis in respect of personal property, and for the purpose of allowing a deduction under this part, includes, but is not limited to, fees imposed as an excise tax under Section 10751 of the Revenue and Taxation Code.

(2) (A) The term "general sales tax" means a tax imposed at one rate in respect of the sale at retail of a broad range of classes of items.

(B) In the case of items of food, clothing, medical supplies, and motor vehicles—

(i) The fact that the tax does not apply in respect of some or all of such items shall not be taken into account in determining whether the tax applies in respect of a broad range of classes of items, and

(ii) The fact that the rate of tax applicable in respect of some or all of such items is lower than the general rate of tax shall not be taken into account in determining whether the tax is imposed at one rate.

(C) Except in the case of a lower rate of tax applicable in respect of an item described in subparagraph (B), no deduction shall be allowed under this section for any general sales tax imposed in respect of an item at a rate other than the general rate of tax.

(D) A compensating use tax in respect of an item shall be treated as a general sales tax. For purposes of the preceding sentence, the term "compensating use tax" means, in respect of any item, a tax which—

(i) Is imposed on the use, storage, or consumption of such item, and

(ii) Is complementary to a general sales tax, but only if a deduction is allowable under subdivision (a)(3) in respect of items sold at retail in the taxing jurisdiction which are similar to such item.

(3) A state or local tax includes only a tax imposed by a state, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia.

(4) A foreign tax includes only a tax imposed by the authority of a foreign country.

(5) If the amount of any general sales tax or of any tax on the sale of gasoline, diesel fuel, or other motor fuel is separately stated, then, to the extent that the amount so stated is paid by the consumer (otherwise than in connection with the

consumer's trade or business) to his seller, such amount shall be treated as a tax imposed on, and paid by, such consumer.

(c) No deduction shall be allowed for the following taxes:

(1) Taxes paid or accrued to the state under this part;

(2) Taxes on or according to or measured by income or profits paid or accrued within the taxable year imposed by the authority of:

(A) The government of the United States or any foreign country;

(B) Any state, territory, county, city and county, school district, municipality, or other taxing subdivision of any state or territory;

(C) Taxes imposed by authority of the government of the United States include—

(i) The tax imposed by Section 3101 of the Internal Revenue Code of 1954 (relating to the tax on employees under the Federal Insurance Contributions Act);

(ii) The taxes imposed by Sections 3201 and 3211 of the Internal Revenue Code of 1954 (relating to the taxes on railroad employees and railroad employee representatives); and

(iii) The tax withheld on wages under Section 3402 of the Internal Revenue Code of 1954.

(3) Federal war profits and excess profits taxes.

(4) Estate, inheritance, legacy, succession, and gift taxes;

(5) Taxes computed as an addition to, or as a percentage of, taxes which are not deductible under this section;

(6) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed, but this does not exclude the allowance as a deduction of so much of the taxes assessed against local benefits as is properly allocable to maintenance or interest charges.

(7) Taxes on real property, to the extent that Section 17205 requires such taxes to be treated as imposed on another taxpayer.

SEC. 2. Section 17266 of the Revenue and Taxation Code is amended to read:

17266. (a) There shall be allowed as a deduction moving expenses paid or incurred during the taxable year in connection with the commencement of work by the taxpayer as an employee at a new principal place of work.

(b) (1) For purposes of this section, the term "moving expenses" means only the reasonable expenses—

(A) Of moving household goods and personal effects from the former residence to the new residence, and

(B) Of traveling (including meals and lodging) from the former residence to the new place of residence.

(2) In the case of any individual other than the taxpayer, expenses referred to in paragraph (1) shall be taken into account only if such individual has both the former residence and the new residence as his principal place of abode and is a member of the taxpayer's household.

(c) No deduction shall be allowed under this section unless—

(1) The taxpayer's new principal place of work—

(A) Is at least 20 miles farther from his former residence than was his former principal place of work, or

(B) If he had no former principal place of work, is at least 20 miles from his former residence,

(C) His former residence and new place of residence are located within this state, and

(2) During the 12-month period immediately following his arrival in the general location of his new principal place of work, the taxpayer is a full-time employee, in such general location, during at least 39 weeks.

(d) (1) Subdivision (c)(2) shall not apply to any item to the extent that the taxpayer receives reimbursement or other expense allowance from his employer for such item.

(2) If a taxpayer has not satisfied the condition of subdivision (c)(2) before the time prescribed by law (including extensions thereof) for filing the return for the taxable year during which he paid or incurred moving expenses which would otherwise be deductible under this section, but may still satisfy such condition, then such expenses may (at the election of the taxpayer) be deducted for such taxable year notwithstanding subdivision (c)(2).

(3) If—

(A) For any taxable year moving expenses have been deducted in accordance with the rule provided in paragraph (2), and

(B) The condition of subdivision (c)(2) is not satisfied by the close of the subsequent taxable year,

then an amount equal to the expenses which were so deducted shall be included in gross income for such subsequent taxable year.

(e) No deduction shall be allowed under this section for any item to the extent that the taxpayer receives reimbursement or other expense allowance for such item which is not included in his gross income.

(f) The Franchise Tax Board shall prescribe such regulations as may be necessary to carry out the purposes of this section.

SEC. 3. Section 17653 of the Revenue and Taxation Code is amended to read:

17653. The exceptions, additions, and limitations applicable in determining unrelated business taxable income are the following:

(a) There shall be excluded all dividends, interest, and annuities, and all deductions directly connected with such income.

(b) There shall be excluded all royalties (including overriding royalties) whether measured by production or by gross or taxable income from the property, and all deductions directly connected with such income.

(c) There shall be excluded all rents from real property (including personal property leased with the real property), and all deductions directly connected with such rents.

(d) Notwithstanding subdivision (c), in the case of a business lease (as defined in Section 17657) there shall be included, as an item of gross income derived from an unrelated trade or business, the amount ascertained under Section 17656(a), and there shall be allowed, as a deduction, the amount ascertained under Section 17656(b).

(e) There shall be excluded all gains or losses from the sale, exchange, or other disposition of property other than—

(1) Stock in trade or other property of a kind which would properly be includible in inventory if on hand at the close of the taxable year; or

(2) Property held primarily for sale to customers in the ordinary course of the trade or business.

This section shall not apply with respect to the cutting of timber which is considered, on the application of Section 17711, as a sale or exchange of such timber.

(f) There shall be excluded all income derived from research for (1) the United States, or any of its agencies or instrumentalities, or (2) any state or political subdivision thereof, and there shall be excluded all deductions directly connected with such income.

(g) In the case of a college, university, or hospital, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income.

(h) In the case of an organization operated primarily for purposes of carrying on fundamental research the results of which are freely available to the general public, there shall be excluded all income derived from research performed for any person, and all deductions directly connected with such income.

(i) In the case of any trust described in Section 17651(a), the deduction allowed by Sections 17214, 17215, and 17216 (relating to charitable etc. contributions and gifts) shall be allowed (whether or not directly connected with the carrying on of the trade or business), and for such purpose a distribution made by the trust to a beneficiary described in Sections 17214, 17215, and 17216 shall be considered as a gift or contribution. The deduction allowed by this subdivision shall be allowed with the limitations prescribed in Section 17215 determined with reference to the unrelated business taxable income computed without the benefit of this subdivision (in lieu of with reference to adjusted gross income).

(j) There shall be allowed a specific deduction of one thousand dollars ($1,000).

CHAPTER 925

An act to amend Section 6592 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor July 25, 1967. Filed with Secretary of State Jul. 25, 1967.]

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

SECTION 1. Section 6592 of the Revenue and Taxation Code is amended to read:

6592. If the board finds that a person's failure to make a timely return or 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 provided by Sections 6476, 6477, 6511 and 6591.

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 he bases his claim for relief.

CHAPTER 926

An act to amend Section 12871 of the Public Utilities Code, relating to permissible investments for municipal utility districts.

[Approved by Governor July 25, 1967. Filed with Secretary of State July 25, 1967.]

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

SECTION 1. Section 12871 of the Public Utilities Code is amended to read:

12871. A district may invest any surplus money in its treasury, including money in any sinking fund, in any of the following:

(a) Its own bonds, whether issued on behalf of the entire district or any special district.

(b) Treasury notes, certificates of indebtedness, bills, bonds of the United States, or any other evidence of indebtedness secured by the full faith and credit of the United States.

(c) Obligations issued pursuant to the Federal Home Loan Bank Act or the National Housing Act.

(d) Treasury notes or bonds of this state, or of any public corporation, municipal corporation, public district, or political subdivision within this state which are legal as security for the deposit of public funds.

(e) Obligations issued by federal intermediate credit banks, federal land banks, and banks for cooperatives.

(f) Obligations issued or assumed by the International Bank for Reconstruction and Development, the Tennessee Valley Authority, the Inter-American Development Bank, or Export-Import Bank of Washington participation certificates.

(g) Banker's acceptances of banks having total deposits of one billion dollars ($1,000,000,000) or more.

(h) Any securities in which savings banks in this state may legally invest their funds pursuant to Sections 1350 to 1366, inclusive, of the Financial Code; provided, that the provisions of said sections limiting the amount which a savings bank may invest in securities to a specified percent of its paid-up capital and surplus, or savings deposits, shall not apply to investments authorized by the terms of this section.

CHAPTER 927

An act to amend and renumber the heading of Chapter 3 (commencing with Section 62801), Part 3, Division 21 of, to add Chapter 3 (commencing with Section 62700) to Part 3, Division 21 of, and to repeal Article 16 (commencing with Section 62271) of Chapter 2, Part 3, Division 21 of, the Agricultural Code as proposed by Senate Bill No. 1, relating to milk, and making an appropriation therefor.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Article 16 (commencing with Section 62271) of Chapter 2, Part 3, Division 21 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 2. The heading of Chapter 3 (commencing with Section 62801), Part 3, Division 21 of the Agricultural Code as proposed by Senate Bill No. 1, is amended and renumbered to read:

CHAPTER 4. MARKETING OF EDIBLE NUTS

SEC. 3. Chapter 3 (commencing with Section 62700) is added to Part 3, Division 21 of the Agricultural Code as proposed by Senate Bill No. 1, to read:

CHAPTER 3. EQUALIZATION POOLS

62700. The production and distribution of fluid milk and fluid cream is hereby declared to be a business affected with a public interest. The provisions of this chapter are enacted in the exercise of the police powers of this state for the purpose of protecting the health and welfare of the people of this state.

62701. It is hereby declared that fluid milk and fluid cream are necessary articles of food for human consumption; that the production and maintenance of an adequate supply of healthful milk of proper chemical and physical content, free from contamination, is vital to public health and welfare, and that the production, transportation, processing, storage, distribution and sale of fluid milk and fluid cream in the State of California is an industry, in whole and in part, affecting public health and welfare; that unfair, unjust, destructive and demoralizing trade practices have appeared within this industry and these practices constitute a menace to the health and welfare of the inhabitants of this state by threatening the stability of this industry and by thereby endangering the assurance to the people of the State of California of the maintenance of an adequate supply of this necessary commodity; that it is a policy of this state to promote, foster and encourage the intelligent production and orderly marketing of commodities necessary to its citizens, including fluid milk and fluid cream, and to eliminate speculation, waste, improper marketing, unfair and destructive trade practices, and improper accounting for milk purchased from producers.

62702. It is recognized by the Legislature that currently the powers conferred upon the director by Chapter 2 (commencing with Section 61801) of this part are inadequate to enable the dairy industry to correct existing evils, develop and maintain satisfactory marketing conditions, and bring about and maintain a reasonable amount of stability and prosperity in the production of fluid milk and fluid cream; and that to accomplish these purposes, and particularly to insure to consumers within California an adequate and continuous supply of pure, fresh, and wholesome milk at fair and reasonable prices, including a reasonable estimate of the additional supply which is needed to provide for normal fluctuations in production and in consumer demand for such products, such powers must be supplemented by the powers conferred in this chapter upon the director to equalize gradually the distribution of class 1 usage among the producers of this state.

62703. In effectuating the purposes of this chapter, a production base and a pool quota shall be established for each producer pursuant to Section 62707. The establishing of these bases and their functions shall be as provided in the pooling plan formulated by the director pursuant to the provisions of this chapter.

62704. The director is authorized to develop a proposed pooling plan and to designate the proposed areas in which the plan will be made effective. He shall appoint fluid milk producers, and representatives of producers, to be the members and alternate members of a formulation committee, reasonably representative of all producers and areas to be included in such proposed pooling plan, which committee shall ad-

vise with and assist the director in the establishment of the proposed pooling plan area and in the formulation of the proposed pooling plan. Such pooling plan shall include all areas covered by stabilization and marketing plans under Chapter 2 (commencing with Section 61801) of this part except any relatively isolated region of the state may be excluded therefrom, if the director after a public hearing finds that the inclusion of the region is not practical or in conformity with the purposes of the pooling plan, or if he finds that the producers in any such relatively isolated region do not desire to be a part of either their own or one of the pools.

62705. After the director, with the advice and assistance of the formulation committee, has formulated the proposed plan, which shall be within 90 days of the effective date of this chapter, he shall hold one or more public hearings in each proposed pooling area to be affected by the proposed plan for the purposes of considering modification of the proposed boundaries and formulating the pooling plan which will best accomplish the purposes of this chapter. Notice of such public hearings shall be given to each producer, including each member of cooperative marketing associations, who ships fluid milk to a distributor and to each distributor who receives fluid milk from producers. The procedures for the giving of notice and the conducting of such hearings shall be the same as those provided in Article 13 (commencing with Section 62181) of Chapter 2 of this part for public hearings on stabilization and marketing plans.

62706. The pooling plan shall prescribe the pooling area to be covered by each pool. Any such pooling area shall mean and include a large sales and consuming center together with all intermediate and secondary cities, towns and rural areas, which depend upon and receive their fluid milk supplies from a common producing and supply area, and including the fluid milk producers who produce fluid milk for such sales and consuming area, and including the fluid milk processing plants which receive, process or distribute the fluid milk supplies for such an area.

In establishing pool areas the director shall take into consideration the fact that some producers and processors may produce, or process and distribute, respectively, fluid milk for more than one pool area and therefore may qualify for inclusion and participation in more than one pool. Producers who so qualify for participation in more than one pool shall be permitted to do so on the basis of the proportions of their shipments of fluid milk to each pool area.

62707. The formulation committee shall make recommendations to the director for inclusion in the pooling plan, and the director shall include in the pooling plan, the following:

(a) The establishment of one or more pools throughout the state.

(b) The base period to be used by the director in determining the production and class 1 usage bases of each producer

directly affected by the pooling plan. Such base period shall mean an historical period of fluid milk production for, and usage in, the pool area which the committee finds is reasonably equitable to all producers directly affected by the pooling plan, and will tend to effectuate the declared purposes of this chapter. The historical period shall not include any production after January 1, 1967.

As to a producer south and east of San Gorgonio Pass, his production base may at his option, be four times his production in the months of December, 1965, and January and February, 1966.

If a producer, during any such base period, had a valid contract with a distributor, or as a member of a cooperative association had an allocation, which provided that the distributor or cooperative association was required to accept a larger amount of fluid milk from such producer than the producer actually produced during such period, on proof satisfactory to the director of such contract or allocation, the producer may, at his option, have the amount specified in the contract or allocation established as his production base.

(c) The establishment of a class 1 usage for each producer, which shall be the amount of his production of fluid milk accounted for as class 1, and any fluid milk sold for use as class 1 to a United States military installation but which was not accounted for as class 1.

(d) The allocation to each producer within any pool of a pool quota, which, initially, shall be 110 percent of that producer's class 1 usage, as determined in subdivision (c).

(e) The determination of new class 1 usage and the allocation of pool quota based thereon in a manner consistent with effectuating the purposes of this chapter.

All producers who have not reached the equalization point shall share in such allocation of pool quota on the basis of a formula which shall give substantial weight to each producer's production base, but which at the same time shall allocate a larger percentage to hardship cases and low class 1 usage producers.

Such allocations shall be made on the basis of each individual producer, with each cooperative association considered as a single producer. The cooperative associations of producers shall reassign any new quota to their own members subject to the provisions of Section 62710.

No allocation shall be made to any producer for any new pool quota in excess of the equalization point as expressed in subdivision (c) of Section 62712.

Annually, within not more than two months after August 31 of each year, the pool quota shall be adjusted to reflect any such additional pool quota. It is intended that such increase shall generally reflect the increased class 1 usage which developed during the preceding year, adjusted for the director's estimate of class 1 requirements for the succeeding year, allocated in the manner specified in the pool plan. There shall be

no downward adjustment of pool quota below the quota initially established pursuant to this chapter.

(f) The establishment of production bases and pool quotas for new fluid milk producers who wish to enter the pooling plan after the effective date of the plan. The recommendations of the committee shall be reasonably equitable to both such new producers and to participating producers and consistent with effectuating the purposes of this chapter.

(g) The transfer of production bases and pool quotas from one fluid milk producer to another under conditions so designed as to prevent abuses in such transfers and to avoid the development of excessive values for such bases and quotas.

(h) Any and all other matters necessary and desirable to effectuate the provisions of this chapter.

The recommendations of the formulation committee and the pooling plan may provide exceptions from the plan's general application for individual cases of hardship.

62707.5. If a portion of the pool quota of any producer is transferred, it shall carry with it the same quantity of production base, and the producer making a partial transfer of his pool quota shall lose a percentage of his production base equal to the percentage of his pool quota which is so transferred. If a producer transfers his entire production base to one person, his entire pool quota shall also be transferred to the recipient of the production base, and, if a producer transfers his entire pool quota to one person, his entire production base shall also be transferred to the recipient of the pool quota.

All transfers of production base and pool quota shall be recorded by the director in a manner consistent with the purposes of this chapter. Permanent records shall be maintained by the director of all transactions in either production base or pool quota.

Any person who purchases or otherwise acquires a producer's business or a portion of a producer's business prior to the operative date of the pooling plan shall succeed to that same proportion of the producer's production base and pool quota.

62708. "Producer-distributor" for purposes of this chapter is any person that is both a producer and a distributor of fluid milk or fluid cream. For the purposes of this chapter a producer-distributor is a producer in any transaction which involves the delivery of bulk fluid milk or bulk fluid cream which was produced by him to a distributor, or any nonprofit cooperative association of producers and is a distributor in any transaction which involves the purchase by him of fluid milk or fluid cream, the pasteurization or packaging of fluid milk or fluid cream, or the sale or delivery of packaged fluid milk or packaged fluid cream to any person.

A producer-distributor, including partnerships or corporations with common ownership, where the ownership of the producing entity is substantially proportionate to the ownership of the distributing entity, shall have the option, at the time of

the adoption of the initial pooling plan under this chapter, to have a production base and pool quota established as a part of the pooling plan provided for in this chapter, or to elect to operate entirely outside of the pool for producer payment purposes. This option is available only in such cases where the producer-distributor on January 1, 1967, exercised complete and exclusive control over the operation and management of a plant at which he processes milk received from his own milk production facilities, except for purchases in bulk or packaged fluid milk, fluid skim milk or fluid cream which do not exceed an annual average of 50 gallons per day or 5 percent of his total fluid milk sales, whichever is greater, and only in such case as the producer-distributor had retail sales for its own account of not less than 66⅔ percent of its total class 1 sales.

Any producer-distributor, as herein defined, electing to become a part of the pool shall have the right to deduct his entire pool quota from his own class 1 sales before being required to account to the pool, irrespective of the fact that the average class 1 usage in the pool for that month may be less than 100 percent of the pool quota in that pool.

Any producer-distributor electing to be excluded from the pool may at any later time be admitted to the pool, but with only the production base and pool quota to which he would have originally been entitled or his existing production and class 1 usage at the time of such admittance, whichever is less.

62709. Producers who do not, in the months of September, October, and November of any year, market the amount of fluid milk equal to their pool quota, shall lose the production base equal to the difference between the average amount of milk marketed and their pool quota.

The provisions of this section shall not apply to producers south and east of San Gorgonio Pass or to producers in Del Norte, Humboldt, and Siskiyou Counties. The director may waive the provisions of this section in any case in which he finds that production was restricted by causes beyond the control of the individual producer.

62710. The production base and the pool quota for milk shipped through a cooperative association shall belong to the individual producer but shall be assigned to the custody and control of the cooperative association and the production base and pool quota may be transferred only in accordance with the articles of incorporation, bylaws, or marketing agreements of such association. The cooperative association shall continue to be treated as a single producer, both for producer payment purposes and for pool settlement purposes.

62711. Each producer shall be paid the highest usage for that amount of his fluid milk production which is equal to his pool quota and shall be paid the next highest usage for the difference between his pool quota and his production base

under the production pool hereinafter designated and the lowest usage for all milk produced in excess of his production base under the overproduction pool hereinafter designated.

62712. (a) The director may require distributors, including cooperative associations acting as distributors, to make reports at such intervals and in such detail as he finds necessary for the operation of the pool. In conjunction with the pools authorized by this chapter, the director may require distributors to make payments into a settlement fund for fluid milk received and the director may provide for the disbursement of moneys from the settlement fund in the course of administering such pools. The director may employ a pool manager to operate each pool and may permit such pool manager to employ such other necessary personnel and incur such expenses incidental to the operation of the pool as the director finds are necessary.

Distributors who have a financial obligation to the pool resulting from the operation of the pooling plan shall pay such obligations to the pool manager each month as requested. All of such moneys shall be deposited in a bank or banks approved by the director, and shall be paid out by the pool manager to distributors who have pool credits resulting from the operation of the pooling plan. All financial operations of each pool shall be audited by Department of Agriculture at least once annually. The director may require distributors to make such deductions from amounts due to producers as he finds are necessary to establish a reserve fund to insure prompt payment to producers.

(b) The pool manager shall effectuate the purposes of Section 62711 by designating the percentage of each price class (i.e., classes 1, 2, and 3) to be paid within each pool settlement classification (i.e., quota pool, production pool, and overproduction pool), and in so doing he shall allocate the highest usage available, first to the quota pool, next to the production pool, and last to the overproduction pool.

(c) All pool quotas initially determined pursuant to Section 62707, except as modified pursuant to Section 62709, shall be recognized and shall not in any way be diminished, and all quotas shall not hereafter be increased beyond 95 percent of the individual's production base. This 95 percent shall be designated the "equalization point."

(d) When the pool quota of every producer in a pool has reached the equalization point any additional class 1 usage shall be apportioned among producers of the adjacent pool or pools selected by the director as most appropriate for carrying out the purposes of this chapter.

62714. After the director has established pools, each distributor shall report to the director the total production bases and total pool quotas of the producers that are shipping to the distributor and the total receipts and class 1, class 2, and class 3 usage of the distributor and any other information

determined by the director as necessary to carry out the operation of the pool.

62715. Any individual distributor purchasing milk from a producer shall continue to have the right to specify quality requirements that are more stringent than standards set by public regulatory or health authorities, and to specify these standards in a contract with the producer, provided that all contract quality requirements by the distributor are identical as to all producers under contract with that distributor. The distributor may reject milk for class 1 purposes if it fails to meet these specified standards, and may continue to reject such milk continuously until it again meets these standards. Any such rejected milk must be picked up separately from all other milk, and the contract shall give the producers the unqualified right to sell this rejected milk to others. In the event the rejected milk is not sold or used for class 1 purposes, the producer's pool quota shall be reduced by an amount equal to the amount of pool quota milk rejected during the period in which it is rejected. The producer's pool quota shall be restored to its full amount when all his production meets the specified standards.

The quality standards specified shall be subject to review by the director, and the purported failure of a producer to meet these standards shall be subject to impartial laboratory tests or such other procedures as the director may find necessary to prevent abuse.

62716. Following the required hearing, the director shall submit the pooling plan to producers concerned for their approval or disapproval in a statewide referendum.

The approval or disapproval of individual producers voting in this referendum shall be kept confidential.

Each producer shall have one vote and such vote shall be individually cast so that there will be no block voting. The director shall prepare a ballot. The ballot form shall be substantially as follows:

Ballot

Shall the proposed pooling plan be made effective?
Yes _____ No _____

The director may reveal the names of producers whose votes have been received to both proponents and opponents of the plan.

The referendum shall be set for a period of 60 days. The director may at his own discretion or upon a proper showing, extend the referendum for a period not to exceed 30 days.

62717 If the director finds that producers on a statewide basis have assented in writing to the proposed pooling plan submitted to them for assent, the director shall place the proposed pool plan into effect. The director shall find that pro-

ducers have assented to the plan if he finds on a statewide basis that:

(a) Not less than 51 percent of the total number of eligible producers in the state shall have voted in the referendum; and

(b) 65 percent or more of the total number of eligible producers who voted in the referendum who produced 51 percent or more of the total amount of fluid milk produced in 1966 in the state by all producers who voted in referendum approve the plan; or

(c) 51 percent or more of the total number of eligible producers who voted in the referendum who produced 65 percent or more of the total amount of fluid milk produced in 1966 by all producers who voted in the referendum, approve the plan.

If the plan is not approved, the director may resubmit the plan, or submit a new plan, at any time after six months from the date the director announces the pool plan was not approved.

The director may amend the plan, after notice and public hearing has been given in the same manner as is provided in Article 13 (commencing with Section 62181) of Chapter 2 of this part for stabilization and marketing plans, if he finds that the amendment is necessary to effectuate the purposes of this chapter. After the hearing, the director upon his own motion may make nonsubstantive amendments to the plan. The director may make substantive amendments to the plan only if producers assent to the proposed amendments at a referendum conducted in the same manner and in the same number as provided for the referendum approving the pooling plan.

The director may terminate the plan on a statewide basis after notice and public hearing has been given in the same manner as is provided in Article 13 (commencing with Section 62181) of Chapter 2 of this part for stabilization and marketing plans, if he finds that the plan is no longer in conformity with the standards described in, or will not tend to effectuate the purposes of, this chapter. Such hearing may be held upon the motion of the director, and shall be held upon receipt of a petition signed by producers representing not less than 25 percent of the total number of all producers and not less than 25 percent of the total production of all producers.

The director shall submit the termination of the plan on a statewide basis in a referendum conducted in the same manner as provided for initial approval of such plan if, after notice and public hearing has been given in the same manner as is provided in Article 13 (commencing with Section 62181) of Chapter 2 of this part for stabilization and marketing plans, he finds that a substantial question exists as to whether or not producers desire the plan to continue and shall submit the plan for termination upon receipt of a petition requesting termination signed by producers representing not less than 25 percent of the total number of all producers and not less

than 25 percent of the total production of all producers. The plan shall be terminated if termination is favored by the same percentage of producers producing the same amount of fluid milk as required to initiate the plan.

62718. The pools established shall be administered by the director. Each distributor shall deduct from moneys owed producers and pay to the director the amount necessary to cover the cost of administering the pool plan, but not to exceed two cents ($0.02) per hundredweight of fluid milk.

The amount of such fee shall be paid to the director on or before the 30th day following the last day of the month in which such fluid milk or fluid cream was received.

The director may fix such fee at a lesser amount and may adjust such fee from time to time.

In the event any distributor fails to pay to the director the fee provided for in this section on or before the date specified in this section, the director may add to such unpaid fee an amount not exceeding 10 percent of such unpaid fee to defray the cost of enforcing the collection of such unpaid fee. The distributor shall not be entitled to pass this penalty on to the producer.

All moneys received under the provisions of this section shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

62719. The director shall, from nominations submitted by producers, appoint a review board composed of no less than 12 members to advise him in the administration of the pool plan. The director shall appoint three members of the first board for a one-year term, three members for two-year terms, three members for three-year terms, and three members for four-year terms. Thereafter all appointments shall be for a term of four years and no member may be appointed to more than two four-year terms. The board members shall be producers and not more than three may be producer-managers of associations and not more than two shall be producer-distributors. The board members shall give proportionate representation to all areas of the state, with due regard to the relative production and usage of fluid milk in the various areas of the state. Each member of the review board shall be paid not less than twenty-five dollars ($25) or more than thirty-five dollars ($35) per day plus travel expenses, including expenses for lodging and meals, which are incurred in the attendance at board meetings or in conducting the business of the board; all per diem and expenses being subject to approval by the director.

62720. No pooling plan formulated pursuant to this chapter shall restrict the free movement of fluid milk and no pooling plan shall result in an unequal raw product cost between distributors in the same marketing areas.

62721. No pooling plan shall control the production of fluid milk except insofar as may otherwise be specifically authorized in this chapter.

62722. Pooling plans shall not apply to the production of goats milk or producer-distributors who produce and sell less than 200 gallons of fluid milk used for class 1 purposes per day unless they specifically request entry into the pool at the time of the adoption of the initial pooling plan for that area. Producers of certified milk or guaranteed raw milk shall have the option, at the time of the adoption of the initial pooling plan under this chapter, to be subject to such plan, and accordingly to have a production base and pool quota established for such producer, or to be excluded from such plan.

(a) Any such producer of less than 200 gallons of fluid milk per day, or any such producer of certified milk, or any such producer of guaranteed raw milk, electing to be excluded from such plan, may at any later time be admitted to the pool, but with only the production base and pool quota to which he would have originally been entitled or his existing production and class 1 usage, whichever is less.

(b) Any producer claiming exemptions from the provision of any pooling plan by reason of the provisions of Section 62708 or this section, who loses his exemption by failure to meet the requirements for exemptions set forth in those sections shall automatically be deemed to have applied for and become a part of a producer pool on September 1st following any year ended August 31st during which the director determines he is no longer entitled to exemption, and his admittance into such a pool shall be on the basis of the production base and pool quota calculations as set forth in those sections.

62723. Unless the context otherwise requires, the definitions contained in Chapter 2 (commencing with Section 61801) of this part govern the construction of this chapter.

62724. This chapter does not modify the provisions of Chapter 1 (commencing with Section 61301) nor Chapter 2 (commencing with Section 61801) of this part, except as may be necessary to effect the purposes of this chapter. If necessary to effect the purposes of this chapter, the director, in establishing the minimum prices which shall be paid for fluid milk to producers, may establish minimum producer prices applicable at the producer's place of production.

62725. The director is authorized to use moneys in the Department of Agriculture Fund derived from assessments and fees collected pursuant to provisions of Chapter 2 (commencing with Section 61801) of this part, to the extent necessary to defray the expenses incident to the formulation and making effective the pooling plan pursuant to this chapter; provided, that as soon as sufficient moneys are available from fees collected pursuant to this chapter, all such amounts shall be repaid.

62726. The director is the instrumentality of this state for the purpose of administering and enforcing the provisions of this chapter and to execute the legislative intent which is expressed in this chapter, and is hereby vested with the administrative authority which is described in this chapter. Not-

withstanding other laws to the contrary, in the event a milk marketing order under the jurisdiction of the United States Department of Agriculture or other appropriate federal agency, is created by referendum or under the applicable laws and procedures relating thereto, in this state or in any geographical area within this state, the provisions of this chapter or any part thereof which is in conflict with such federal order, or which is unnecessary or is a duplication thereof, shall be suspended in the geographical area covered by and during the existence of such federal order. The director shall take such steps and procedures as are necessary to wind up and conclude the administration and enforcement of the provisions of this chapter, or any part thereof, prior to the suspension date.

62728. The director shall terminate any pooling plan in effect in any marketing area without notice or hearing at any time that there ceases to be a stabilization and marketing plan in force and effect in such marketing area, establishing minimum prices to be paid to producers, unless minimum prices payable by distributors to producers for fluid milk in such marketing area are subject to a federal milk marketing agreement or order which is not in conflict with, or in duplication of, the pooling plan.

62729. The director or his assistants, deputies, agents, or other employees, are authorized to travel out-of-state in order to carry out the purposes of this chapter.

62730. Any violation of any provision of this chapter, or any regulations adopted pursuant to this chapter shall be punishable, and shall have the same effect, as a violation of Chapter 2 (commencing with Section 61801) of Part 3, of Division 21.

62731. This chapter shall be known as the Gonsalves Milk Pooling Act.

CHAPTER 928

An act to amend Section 1760 of the Revenue and Taxation Code, relating to taxation of property.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 1760 of the Revenue and Taxation Code is amended to read:

1760. Annually, on the fourth Monday in September, the board of supervisors shall meet as the county board of equalization to equalize the assessment of property on the local roll. Commencing on the third Monday in July, and continuing until September 15, any taxpayer may petition said board for a reduction in an assessment and a proportionate reduction or refund of the taxes extended thereon by filing an application

pursuant to Sections 1607 and 5097. The board shall continue in session for that purpose, from time to time, until the business of equalization is disposed of, but not later than the last day of March of the succeeding calendar year.

CHAPTER 929

An act to amend Section 4830 of the Health and Safety Code, relating to lands within districts.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 4830 of the Health and Safety Code is amended to read:

4830. Territory, whether situated within the same or another county and whether incorporated or unincorporated, which is not included in any other county sanitation district or other district formed for similar purposes, may be annexed to a county sanitation district if the directors find and determine that the additional territory will be benefited by annexation. Notwithstanding the provisions of the preceding sentence, territory, whether situated within the same or another county and whether incorporated or unincorporated, which is included in any district, which district is not, at the time of the proposed annexation, performing similar services in the area proposed to be annexed, may be annexed to a county sanitation district if the board of directors finds and determines that the additional territory will be benefited by the annexation. The land proposed to be annexed need not consist of contiguous parcels nor be contiguous with the county sanitation district when such land is within the same county. When land proposed to be annexed is not within the same county such land shall be contiguous to the district.

CHAPTER 930

An act to add Section 206b to the Code of Civil Procedure, relating to jurors.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 206b is added to the Code of Civil Procedure, to read:

206b. In counties of the 17th class, trial jury venires shall be drawn from residents of the supervisorial district within

which the court will sit for such trial and the supervisorial districts immediately adjacent thereto, except when such court orders a countywide venire in the interests of justice.

CHAPTER 931

An act to add Section 647c to the Penal Code, relating to molestation.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 647c is added to the Penal Code, to read:

647c. Every person who, willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place or on or in any place open to the public is guilty of a misdemeanor.

Nothing in this section affects the power of a county or a city to regulate conduct upon a street, sidewalk, or other public place or on or in a place open to the public.

CHAPTER 932

An act to amend Sections 2189.6 and 4911 of, and to add Section 4106.1 to, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 2189.6 of the Revenue and Taxation Code is amended to read:

2189.6. Improvements which constitute component parts of a water distribution system located in whole or in part on property assessed to a person other than the assessee of the land on which they are located shall be assessed as improvements on the secured roll; provided, however, that such assessments shall not be a lien on the land on which such improvements are located and such fact shall be noted on the secured roll.

If the tax thereon is unpaid when the last installment of real property taxes becomes delinquent, the tax collector may use the same collection procedure available to assessments on the unsecured roll.

If the tax thereon remains unpaid at the time set for the sale to the state, such tax together with such penalty and costs

as may have accrued thereon while on the secured roll shall be transferred to the current unsecured roll.

SEC. 2. Section 4106.1 is added to the Revenue and Taxation Code, to read:

4106.1. With the approval of the board of supervisors the redemption officer may establish a procedure for making and preserving a record of individual redemption and installment payments. When such a procedure is established, receipts for redemption and installment payments made by mail shall only be issued when a receipt is requested by the person making payment. The redemption certificate or installment plan form shall contain a statement that receipts will not be issued for payments made by mail unless a receipt is requested by the person making payment, and an appropriate place in which the taxpayer may request a receipt shall be provided on the redemption certificate and the installment plan form. Receipts requested shall be furnished without cost to the taxpayer.

SEC. 3. Section 4911 of the Revenue and Taxation Code is amended to read:

4911. If a property owner by mistake pays the tax on other than the property intended and by substantial evidence convinces the tax collector or redemption officer that the payment was intended for another property, the tax collector or redemption officer may cancel the credit on the unintended property and transfer the payment to the property intended as prescribed in this article at any time before a guaranty or certificate of title issues respecting the unintended property and before two years have elapsed since the date of payment.

CHAPTER 933

An act to amend Section 2191.3 of the Revenue and Taxation Code, relating to delinquent property taxes.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 2191.3 of the Revenue and Taxation Code is amended to read:

2191.3. Where taxes on unsecured property have become delinquent, the tax collector may file for record, without fee, in the office of the county recorder of any county a certificate specifying the amount of the tax, interest and penalties due, the name and last known address of the assessee liable for the amount, and the fact, if such be the fact, that all provisions of this division in the computation and levy of the tax have been complied with. The procedure authorized by this section is cumulative to those provided by Sections 2914 and 3003.

CHAPTER 934

An act to amend Sections 3, 7.4, 7.5, 7.6, 7.10, 7.11, 7.12, 9.5, 18, and 38.3 of, to add Sections 7, 9, 9.1, 9.2, and 9.3 to, and to repeal Sections 7, 9, 9.1, 9.2, and 9.3 of, the San Benito County Water Conservation and Flood Control District Act (Chapter 1598, Statutes of 1953), relating to the San Benito County Water Conservation and Flood Control District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 3 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598, Statutes of 1953) is amended to read:

Sec. 3. As used in this act the following words shall have the respective meanings stated:

(a) "District" shall mean the San Benito County Water Conservation and Flood Control District.

(b) "Board" shall mean the board of directors of the district.

(c) "County" shall mean the County of San Benito, State of California.

(d) "United States" shall mean the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the United States of America.

(e) "State of California" shall include the State of California and all bureaus, commissions, divisions, departments, boards, agencies and officers of the State of California.

(f) "Work or works" shall include the dams and damsites, reservoirs and reservoir sites, conduits and other facilities useful in the control, conservation, diversion and transmission of waters and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing.

(g) "Elector" shall mean any person who qualifies under Section 1 of Article II of the Constitution of this state. "Voter" shall mean any elector who is registered under the provisions of the Elections Code of the State of California.

(h) "Flood and storm waters" shall mean waters in excess of the seasonal normal flow of the streams in which they occur that are not usable beneficially as part of the ordinary flow of such streams and which, if not intercepted, would escape from the County of San Benito.

(i) "May" is permissible, and "shall" is mandatory.

SEC. 2. Section 7 of the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953) is repealed.

SEC. 3. Section 7 is added to the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953), to read:

Sec. 7. The board shall have the power, in any year:

1. To levy ad valorem taxes or assessments in the district:

(a) To provide a fund which may be used by the district for emergencies and to pay the costs and expenses of studies, reports, surveys, engineering and all other work convenient or necessary to the establishment of a zone or zones within said district, provided that funds so used are replenished from funds derived from taxes or assessments levied pursuant to subdivision 2 of this section within the zone or participating zones benefited within 20 years immediately following the use of said funds, and provided further that the maximum permissible taxes or assessments pursuant to subdivision 2 of this section be levied in the zone or participating zones benefited until the funds so used are replenished.

The assets of the fund so established shall not, at any time, exceed the sum of seventy-five thousand dollars ($75,000) and once the assets of said fund shall have attained the value of seventy-five thousand dollars ($75,000) the district shall not thereafter levy any taxes or assessments pursuant to this paragraph.

Interest accrued and received on the cash assets of the fund so established shall be credited to the fund until the value of all assets of the fund shall attain the value of seventy-five thousand dollars ($75,000) and then to the general fund of the district, provided, however, that the interest so credited to the general fund of the district during any calendar year shall be applied against the taxes or assessments levied pursuant to paragraph (b) of subdivision 1 of this section for the next fiscal year or years.

Taxes or assessments may be levied for the purposes of this paragraph by any of the following means:

(1) By a levy or assessment upon all real property within the district, including land, improvements thereon and personal property, but in no event shall said taxes exceed an amount of ten cents ($0.10) per hundred dollars ($100) of assessed valuation; or

(2) By a levy or assessment upon all real property within the district, including both land and improvements thereon, but in no event shall said taxes exceed an amount of ten cents ($0.10) per hundred dollars ($100) of assessed valuation of land and improvements thereon; or

(3) By a levy or assessment upon all real property within the district, but in no event shall said taxes exceed an amount of ten cents ($0.10) per hundred dollars ($100) of assessed valuation of land.

(b) To pay the general operating and administrative costs and expenses to carry out any of the objects and purposes of this act of common benefit to the district.

Taxes or assessments may be levied for the purposes of this paragraph by any of the following means:

(1) By a levy or assessment upon all property within the district, including the land, improvements thereon, and personal property, but in no event shall said taxes exceed an amount of three cents ($0.03) per hundred dollars ($100) of assessed valuation; or

(2) By a levy or assessment upon all real property within the district, including both land and improvements thereon, but in no event shall said taxes exceed an amount of three cents ($0.03) per hundred dollars ($100) assessed valuation of land and improvements thereon; or

(3) By a levy or assessment upon all real property within the district, but in no event shall said taxes exceed an amount of three cents ($0.03) per hundred dollars ($100) of assessed valuation of land.

2. To levy taxes or assessments in each or any of said zones and participating zones, to pay the cost of carrying out any of the objects or purposes of this act performed or to be performed on behalf of said respective zones, including, but not limited to, the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works of improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones, by either of the following methods:

(a) In any zone created for flood control purposes, said taxes shall not exceed an amount of twenty-five cents ($0.25) per hundred dollars ($100) of assessed valuation of land and improvements thereon; or

(b) In any zone created for water conservation purposes, said taxes shall not exceed an amount of thirty-five cents ($0.35) per hundred dollars ($100) of assessed valuation of land taxed.

It is declared that for the purposes of any tax or assessment levied under this subdivision, the property so taxed or assessed within a given zone is equally benefited.

3. To levy taxes or assessments, in addition to the taxes or assessments levied pursuant to subdivisions 1 and 2 of this section, for administrative purposes as provided in Section 17 of this act, which shall not exceed ten cents ($0.10) per hundred dollars ($100) of assessed valuation of the property taxed; to levy taxes or assessments, to make payments under contracts with other governmental bodies as provided in Section 17 of this act; and to levy taxes or assessments for the service of bonds as provided in Section 22 of this act.

SEC. 3.1. Section 7.4 of the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953) is amended to read:

SEC. 7.4. Ground water charges levied pursuant to this act are declared to be in furtherance of district activities in the protection and augmentation of the water supplies for users

within a zone or zones of the district which are necessary for the public health, welfare and safety of the people of this state. The ground water charges are authorized to be levied upon the production of ground water from all water-producing facilities, whether public or private, within said zone or zones of the district for the benefit of all who rely upon the ground water supplies of such zone or zones and water imported into such zone or zones.

The proceeds of ground water charges levied and collected upon the production of water from ground water supplies within such zone or zones of the district are authorized and shall be used exclusively by the board for the following purposes.

1. To pay the costs of constructing, maintaining and operating facilities which will import water into the district which will benefit such zone or zones, including payments made under any contract between the district and the State of California, the United States of America, or any public, private or municipal utility.

2 To pay the costs of purchasing water for importation into such zone or zones, including payments made under contract to the State of California, the United States of America, or any public, private or municipal utility.

3 To pay the costs of constructing, maintaining and operating facilities which will conserve or distribute water within such zone or zones, including facilities for ground water recharge, surface distribution, and the purification and treatment of such water.

4. To pay the principal or interest of any bonded indebtedness or other obligations incurred by the district on behalf of such zone or zones for any of the purposes set forth in paragraphs 1, 2 and 3 of this section.

The district may apply to any one or more of the purposes set forth in paragraphs 1, 2, 3 and 4 of this section any or all revenues received by the district from water sale contracts executed by the district pursuant to this act.

SEC. 4. Section 7.5 of the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953) is amended to read:

Sec. 7.5. Within six months after the date of establishing any such zone or zones, all water-producing facilities located within the boundaries of such zone or zones shall be registered with the district and, if required by the board, all water-producing facilities, except domestic wells producing less than one acre-foot per year, shall be measured with a water-measuring device satisfactory to the district installed and paid for by the zone. Any new water-producing facility, constructed or reestablished after such date, shall be registered with the district and, if required by the board, measured with a water-measuring device within 30 days after the completion or reestablishment thereof.

Failure to register any water-producing facility, as required by this act, is a misdemeanor punishable by a fine of not to exceed five hundred dollars ($500), or imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

In addition to other information which the district may determine is necessary and may require in the registration form provided, there shall also be given information as to the owner or owners of the land upon which each water-producing facility is located, a general description and location of each water-producing facility, the name and address of the person charged with the operation of each water-producing facility, and the name or names and addresses of all persons owning or claiming to own an interest in the water-producing facility.

SEC. 5. Section 7.6 of the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953) is amended to read:

Sec. 7.6. When requested by the board, the district engineer shall prepare an investigation and report upon ground water conditions of the district and the zones thereof. The investigation and report shall include, among other information which the district may desire, information for the consideration of the board in its determination of the annual overdraft, information for the consideration of the board in its determination of the accumulated overdraft as of the last day of the preceding water year, a report as to the total production of water from the ground water supplies of the district and the zones thereof for the preceding water year, an estimate of the annual overdraft for the current water year and for the ensuing water year, the amount of water the district is obligated to purchase during the ensuing water year, and a recommendation as to the quantity of water needed for surface delivery and for replenishment of the ground water supplies of the district and the zones thereof for the ensuing year.

SEC. 6. Section 7.10 of the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953) is amended to read:

Sec. 7.10. After the establishment of a zone in which a ground water charge may be levied, each operator of a water-producing facility which is not measured with a water-measuring device within said zone, until such time as said water-producing facility has been permanently abandoned, may be required to file with the district, on or before the 31st day of January in each year, a statement setting forth the total production in acre-feet of water for the preceding calendar year (excluding the month in which the statement is due), a general description or number locating each water-producing facility and the method or basis of the computation of such water production. If no water has been produced from said water-producing facility during the preceding calendar year, said statement shall be filed as provided for herein, setting forth that no water has been produced during said

period. Said statement shall be verified by a written declaration that it is made under the penalties of perjury. The ground water charge is payable to the district on or before the last date upon which the water production statement shall be filed, and is computed by multiplying the production in acre-feet of water for each classification as disclosed in the statement by the ground water charge for each classification of water. At such time as any said water-producing facility has been permanently abandoned, the operator thereof shall give written notice of such abandonment to the district. If any operator of a water-producing facility shall fail to pay the ground water charge when due, the district shall charge interest at the rate of 1 percent each month on the delinquent amount of the ground water charge.

Should any operator of a water-producing facility fail to register each water-producing facility, or fail to file the water production statement as required by this act, the district shall, in addition to charging interest as provided herein, assess a penalty charge against such operator in an amount of 10 percent of the amount found by said district to be due.

The board may, at the time of fixing the ground water charge, establish a method or methods to be used in computing the amount of water produced from a water-producing facility which is not measured by a measuring device. Such methods may be based upon any, or all, or a combination of some of the following criteria: size of water-producing facility discharge opening, area served by the water-producing facility, number of persons served by the water-producing facility, use of land served by the water-producing facility, crops grown on land served by the water-producing facility, or any other criteria which may be used to determine with reasonable accuracy the amount of water produced from such water-producing facility.

SEC. 7. Section 7.11 of the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953) is amended to read:

Sec. 7.11. Upon good cause shown, an amended statement of water production may be filed or a correction of the records may be made at any time prior to the final date for filing the next annual water production statement.

SEC. 8. Section 7.12 of the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953) is amended to read:

Sec. 7.12. After the establishment of a zone or zones in which a ground water charge may be levied the district shall prepare each year a record called "The Record of Water Production and Ground Water Charges" in which shall be entered a general description of the property upon which each water-producing facility is located, an identifying number or code which is assigned to such facility, the annual water production for each class of water produced from each water-producing facility, and the ground water charge for each class of water.

SEC. 9. Section 9 of the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953) is repealed.

SEC. 10. Section 9 is added to the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953), to read:

Sec. 9. The provisions of the Uniform District Election Law, Part 3 (commencing with Section 23500) of Division 12 of the Elections Code shall apply to this district. Where the provisions of this act conflict with the provisions of the Uniform District Election Law, the provisions of the Uniform District Election Law shall apply and control.

SEC. 11. Section 9.1 of the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953) is repealed.

SEC. 12. Section 9.1 is added to the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953), to read:

Sec. 9.1. The governing body of the district shall be a board of five directors who shall take office at noon on the last Friday in December 1967, and who shall be elected by divisions.

The term of office of each director is four years or until his successor qualifies and takes office. One director shall be elected from each of five divisions. The boundaries of each division shall be coterminous with and the same as those for the supervisorial districts of the county.

A director shall be a resident of, and a registered voter in, the division he represents.

Vacancies among the directors, including the failure of a person to qualify, shall be filled by appointment by the remaining directors of a person who is eligible to be elected for the vacancy.

SEC. 13. Section 9.2 of the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953) is repealed.

SEC. 14. Section 9.2 is added to the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953), to read:

Sec. 9.2. The first board of directors shall meet as soon as practicable after taking office, organize a board, and classify themselves.

Said board, and each board thereafter, shall:

(a) Elect one of its members president;

(b) Provide for the time and place of holding its regular meetings; and

(c) Provide for the manner of calling special meetings.

The board shall act only by ordinance, resolution or motion. An affirmative vote of a majority of the members shall be necessary for the adoption of any ordinance, resolution or motion. All ordinances shall be signed by the president and attested by the secretary, shall be adopted, recorded and pub-

lished in the same manner, except as herein otherwise expressly provided, as are ordinances of the county.

A majority of the board shall constitute a quorum for the transaction of business, and the board may transact any business of the district at its organizational meeting.

The board shall establish rules for its proceedings.

All legislative sessions of the board shall be public.

SEC. 15. Section 9.3 of the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953) is repealed.

SEC. 16. Section 9.3 is added to the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953), to read:

Sec. 9.3. Each member of the board of directors shall be entitled to receive from the district the sum of twenty-five dollars ($25) for each day's attendance at the meetings of the board not to exceed a maximum of five hundred dollars ($500) in each calendar year. In addition to such compensation all members shall be entitled to receive their actual and necessary expenses incurred while on official business of the district under an order of the board.

SEC. 17. Section 9.5 of the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953) is amended to read:

Sec. 9.5. Each director shall execute an official bond in the sum of two thousand five hundred dollars ($2,500) which shall be approved by the judge of the superior court of the county, and shall be recorded in the office of the county recorder of the county, and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers. The premiums on directors' bonds required by this act shall be paid by the district.

SEC. 18. Section 18 of the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953) is amended to read:

Sec. 18. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution duly certified by the clerk, to be filed for record in the Office of the Recorder of San Benito County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall

be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated Said bonds and the interest thereon shall be paid from revenue derived from annual taxes levied upon the lands situated within the zone or participating zones, and all such lands shall be and remain liable to be taxed for such payments as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, and the amount of the principal of the indebtedness to be incurred and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board shall in said ordinance establish a special bond election precinct or precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate polling places and appoint at least one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board shall cause a map to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in each zone and participating zone affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public

places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. If at such election two-thirds ($\frac{2}{3}$) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such zone or participating zones for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 19. Section 38.3 of the San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953) is amended to read:

Sec. 38.3. Any parcel, parcels, or tract of land may be annexed to a zone if the land will be benefited, and any parcel, parcels, or tract of land within any zone may be excluded if not benefited.

Proceedings for annexation or exclusion may be instituted by the board by resolution specifying its intention to annex or exclude such parcel, parcels, or tract of land, describing the proposed land to be annexed or excluded and specifying a time and place for public hearing on said resolution, which public hearing may be held at any place within the district. Notice of the time and place of said hearing shall be mailed to each landowner in the area sought to be annexed or excluded at his address as shown on the last equalized assessment roll of the county at least 20 days prior to the date of said hearing. The notice shall also be published in a newspaper of general circulation within the district pursuant to Section 6066 of the Government Code.

Other than annexation proceedings instituted by the owner of any parcel, parcels, or tract of land to be annexed, no proceedings for the annexation of any parcel, parcels, or tract of land to a zone shall be instituted until a geological or engineering study shall have been made, which study shall show that the parcel, parcels, or tract of land to be annexed will be benefited.

The alternative, such proceedings may be instituted by the filing with the board a petition signed by 10 percent or more of the owners of the land sought to be annexed or excluded. The petition shall contain:

(a) The name of the zone affected by the annexation or exclusion;

(b) The reason for annexation or exclusion of the land;

(c) A description of the land to be annexed or excluded;

(d) The assent of the petitioners to the annexation or exclusion; and

(e) A request that the described land be annexed to or excluded from the zone.

When the petition has been filed with the board, the board shall fix a time and place for a public hearing thereon, which

public hearing may be held at any place within the district, and cause a notice of such hearing to be given as hereinbefore provided.

Failure to show cause why the change should not be made by any person interested in or affected by the change is deemed to be his assent to any change the board may make in the zone boundaries.

At the conclusion of the hearing, if it deems the annexation or exclusion of all or part of the land to be for the best interest of the zone, the board may by resolution annex or exclude all or part of the land sought to be annexed or excluded and shall, in such resolution, describe the zone boundaries as changed. If no effective date for such annexation or exclusion is specified in the resolution, then the effective date shall be deemed to be the date of the resolution.

Any land or territory annexed to a zone pursuant to this section shall assume and be liable for its proportionate share of any then existing outstanding debts or obligations of the zone.

SEC. 20. 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 such necessity are:

Due to the progress being made on the San Felipe Division of the Central Valley Project, the importation of water to San Benito County is imminent, thereby creating a need for the establishment of zones of benefit without delay to assist the district in providing water to persons in the district.

CHAPTER 935

An act to amend Section 200 of the Code of Civil Procedure, relating to jurors.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 200 of the Code of Civil Procedures is amended to read:

200. A person is exempt from liability to act as a juror if he be:

1. A Member of the Legislature of this state; a Member of the Congress of the United States; a judicial, civil, naval or military officer of the United States, or of this state, or a member of the armed forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, practicing chiropractor, or practicing registered optometrist, or druggist actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or any exempt member of a duly authorized fire company;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision 3 of the preceding section; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination; or,

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence.

CHAPTER 936

An act to amend Section 391 of the Military and Veterans Code, relating to exemptions from jury duty.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 391 of the Military and Veterans Code is amended to read:

391. Every member of the active militia shall be exempt from road tax and head tax of every description, from jury

duty (including service on coroners' juries) except that members of the National Guard who are not on active duty shall not be exempt from such jury duty in any noncriminal proceeding, and from service on any posse comitatus, if he furnishes the certificate of his immediate commanding officer that he has performed the duties required of him for the year immediately preceding a summons to act as juryman or during the period of his service if less than one year.

CHAPTER 937

An act to amend Sections 25100, 25602, 25703, and 26005 of the Corporations Code, relating to corporate securities.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 25100 of the Corporations Code is amended to read:

25100. Except as otherwise expressly provided in this division, the Corporate Securities Law does not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States of America, or any territory or insular possession thereof, or by the District of Columbia, or by any state, territory, county, municipality, community redevelopment agency, public district or authority, or other public agency, public entity, or public corporation therein.

(b) Any security issued or guaranteed by any foreign government with which the United States of America is, at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any state, province, or political subdivision thereof having the power of taxation or assessment, which security is recognized, at the time it is offered or sold in this state, as a valid obligation by the foreign government or by the state, province, or political subdivision thereof issuing it.

(c) Any security issued by and representing an interest in or a direct obligation of a national bank, or issued by any federal land bank or joint land bank, or a national farm loan association, under the provisions of the Federal Farm Loan Act of July 17, 1916, or any amendment thereof or thereto, or by any company created and acting as an instrumentality of the government of the United States of America pursuant to the authority granted by the Congress of the United States of America, or by any company organized and existing under and by virtue of any act of Congress.

(d) Any security issued by and representing an interest in or a direct obligation of a state bank, trust company, or savings institution incorporated under the laws of this state.

(e) Any security the issuance of which has been authorized by the Public Utilities Commission of this state or by the Interstate Commerce Commission or by the Federal Power Commission.

(f) Any stock (as defined in the Savings and Loan Association Law), issued by a company organized for the purpose of conducting a savings and loan association within this state, the issuance of which has been authorized by the Savings and Loan Commissioner.

(g) Any shares, investment certificates, or borrowers' membership certificates (as defined in the Savings and Loan Association Law) issued by a savings and loan association holding a license then in force issued by the Savings and Loan Commissioner.

(h) Any security issued by an organization defined as an insurer in Section 826 of the Insurance Code for the purposes of Article 8 (commencing with Section 820) of Chapter 1 of Part 2 of Division 1 of the Insurance Code.

(i) Any security which has been certified as a legal investment for savings banks under the laws of this state.

(j) Any certificate of deposit for any security which has been approved by the California Districts Securities Commission for certification as a legal investment for savings banks and trust companies under the laws of this state.

(k) Any security issued under or pursuant to a plan of reorganization or plan of arrangement which, pursuant to any of the provisions of the act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States" approved June 1, 1898, and acts amendatory thereof and supplementary thereto, has been confirmed by the decree or order of a court of competent jurisdiction.

(*l*) Any partnership interest in a general partnership, or in a limited partnership where certificates are executed, filed, and recorded as provided by Sections 15502 and 15525 of the Corporations Code of the State of California, except partnership interests when offered to the public.

(m) Any bona fide joint adventure interest, except such interests when offered to the public.

(n) Any certificate of interest or participation in an oil or gas title or lease (including subsurface gas storage and payments out of production) if each person who is a party to the transaction involving such certificate:

(1) Is and has been during the preceding two years engaged primarily in the business of drilling for, producing or refining oil or gas (or whose corporate predecessor, in the case of a corporation, has been so engaged), or

(2) Is or has been found by the commissioner upon written application to have been during the preceding two years, either directly or through a predecessor, substantially engaged in the business of drilling for, producing or refining oil or gas so as to not require the protection provided by the issuance of a permit.

In the event any security is issued which would have required a permit but for the provisions of this subsection (n) any such security or any interest therein may not thereafter be offered or sold until a permit shall be first obtained with respect to any such security (and subject to such terms and conditions as may therein be imposed by the commissioner) unless each person who is a party to any such subsequent transaction meets the requirements of this subsection (n).

SEC. 2. Section 25602 of the Corporations Code is amended to read:

25602. No company, broker, agent, or other person shall use any advertisement concerning any security sold or offered for sale by it unless a true copy of the advertisement has been first filed in the office of the commissioner at least one day prior to the use; except that the filing of a copy of such an advertisement pursuant to this section is not required (1) in any case in which the commissioner has authorized or consented to the use of the advertisement, or (2) in the case of any advertisement concerning only securities issued or guaranteed by the United States of America, or any territory or insular possession thereof, or by the District of Columbia, or by any state, territory, county, municipality, community redevelopment agency, public district or authority, or other public agency, public entity, or public corporation therein.

SEC. 3. Section 25703 of the Corporations Code is amended to read:

25703. At the time of filing an application for a broker's certificate, the applicant shall file and thereafter maintain with the Commissioner of Corporations a good and sufficient bond in the aggregate penal sum of five thousand dollars ($5,000), payable to the people of the State of California, for the use and benefit of interested persons, executed by the applicant and by sufficient surety or sureties, which shall be approved by the Commissioner of Corporations. The total aggregate liability on the bond shall be limited to the payment of five thousand dollars ($5,000). The bond shall be conditioned upon the strict compliance with the provisions of the Corporate Securities Law, and the honest and faithful application of all funds received and the faithful and honest performance of all obligations and undertakings in the purchase or sale of securities, by the applicant broker, his agents, and employees.

The bond shall remain in force and effect until the surety is released from liability by the commissioner or until the bond is canceled by the surety. The surety may cancel the bond and be relieved of further liability thereunder by delivering 30 days' written notice to the commissioner. Such cancellation shall not affect any liability incurred or accrued thereunder prior to the termination of the 30-day period. Failure to file a new bond at or before the time when liability on the old bond is terminated, constitutes sufficient grounds for the suspension or revocation of the broker's certificate after a hearing held as provided in Section 25710, provided,

however, that unless a new bond complying with the provisions of this section has been filed with the Commissioner of Corporations prior to issuance of the notice of hearing, such hearing need not be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and may be held upon not less than three days' notice.

Any person who sustains an injury covered by such bond, may, in addition to any other remedy that he may have, bring an action in his own name upon the bond for the recovery of any damages sustained by him; but no such action may be brought after the expiration of two years from and after the time when the act or default complained of occurred. Upon the commencement of such an action the commissioner may, in his discretion, require the filing of a new bond, and immediately upon the recovery in any action on such bond, the broker shall file a new bond. Failure to file a new bond within 10 days in either case constitutes sufficient grounds for the suspension or revocation of the broker's certificate.

SEC. 4. Section 26005 of the Corporations Code is amended to read:

26005. The fee for filing an application for an order (a) consenting to the transfer in escrow of securities, or (b) consenting to the transfer of securities subject to any condition imposed by the commissioner requiring the commissioner's consent to such transfer is ten dollars ($10) for each transferor.

CHAPTER 938

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.

Air pollution control districts

Airport districts

Assessment districts

Bridge and highway districts
California water district improvement districts
California water districts
Cemetery districts
Citrous pest control districts
City general improvement district improvement districts
City general improvement districts
City maintenance districts
Community service districts
Conservancy districts
County boards of education
County drainage districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County service areas
County sewerage and water districts
County water agencies
County water authorities
County water district improvement districts
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control and water conservation districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway interchange districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement district improvement districts
Municipal improvement districts

Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Protection districts
Public cemetery districts
Public utility district improvement districts
Public utility districts
Rapid transit authorities
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
Regional planning districts
Resort improvement districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Unified air pollution control districts
Unified port districts
Urban renewal agencies
Vehicle parking districts
Veterans' memorial districts
Water agencies
Water authorities
Water conservation districts
Water districts
Water replenishment districts
Water storage district improvement districts
Water storage districts
Weed abatement districts
Zones of flood control districts

Zones of flood control and water conservation districts
Zones of county water agencies
Zones of county water authorities.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body.

Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Third Validating Act of 1967.

CHAPTER 939

An act to amend Section 17203.5 of the Education Code, relating to deposit of security by school districts.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 17203.5 of the Education Code is amended to read:

17203.5. The governing board of a school district which has made an investment pursuant to the authority of Section 17203 may deposit such security for safekeeping with a state or national bank or trust company located within this state or with the Federal Reserve Bank of San Francisco or any branch thereof within the state, or with any Federal Reserve bank or with any state or national bank located in any city designated as a reserve city by the Board of Governors of the Federal Reserve System. The governing board shall take from such bank a receipt for the security so deposited. The county treasurer with whom such funds if uninvested would be deposited shall not be responsible for securities delivered to and receipted for by a bank under the authority of this section until they are withdrawn from the bank by said treasurer.

CHAPTER 940

An act to amend Sections 21251.5 and 21251.6 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 21251.5 of the Government Code is amended to read:

21251.5. (a) Every retirement allowance payable for time commencing on the effective date of this section to or on account of any member who was retired on or prior to July 1, 1956, is hereby increased by a monthly amount which, when added to any other increases in such retirement allowance made

by the Legislature at its 1957 Regular Session, equals the percentage increase set forth in the following table opposite the period during which the member's retirement became effective, if the retired member is entitled to be credited with 20 years or more of state service, or, if the retired member is entitled to be credited with less than 20 years of state service, by an amount which, when added to any other increases in such retirement allowance made by the Legislature at its 1957 Regular Session, bears the same ratio to the percentage increase set forth in the following table opposite the period during which the member's retirement became effective that the number of completed years of state service with which the member is entitled to be credited bears to 20 years:

Period during which retirement became effective	Percentage of increase in monthly retirement allowance where member is entitled to be credited with 20 or more years of state service
On or prior to July 1, 1954	5%
12 months ended July 1, 1955	4%
12 months ended July 1, 1956	3%

In addition to these percentage increases, the retirement allowance payable for time commencing on the effective date of this section to or on account of any member who was retired on or prior to July 1, 1956, shall be increased by ten dollars ($10) per month.

Where a member to or on account of whom an increased retirement allowance is payable under this section has elected pursuant to Article 4 of Chapter 9 of this part to have his retirement allowance modified in accordance with an optional settlement provided in Section 21333, Section 21334, or Section 21335, if both the retired member and his beneficiary are living on the effective date of this section, the increase provided by this section shall be modified under the optional settlement so elected, on the basis of ages on the most recent retirement date, and current mortality tables and interest rate; but if either such retired member or his beneficiary is not living on said effective date, then the increase shall be made in the allowance payable to the survivor, in the same manner that increases are made in retirement allowances to persons who did not elect such an optional settlement.

The increase in each retirement allowance provided by this section shall be apportioned between the current service pension and the prior service pension of the retired member in the same proportions that the current service and the prior service with which the member is credited bears to the total state service with which he is credited, and shall be derived from the same source as such pensions.

(b) Every special death benefit payable for time commencing on the effective date of this section on account of the industrial death of any member who died on or prior to July 1, 1956, is hereby increased by a monthly amount which, when added to any other increases in such death benefit made by the Legislature at its 1957 Regular Session, equals the percentage increase set forth in the following table opposite the period during which the member's death occurred:

Period during which industrial death occurred	Percentage of increase in monthly special death benefit installments
On or prior to July 1, 1954	5%
12 months ended July 1, 1955	4%
12 months ended July 1, 1956	3%

(c) This section does not authorize any decrease in any retirement allowance or special death benefit, nor does this section give any retired member, or his successors in interest, or his beneficiary, or any payee of any special death benefit in respect to a deceased member any claim against the state for any increase in any retirement allowance or special death benefit paid or payable for time prior to its effective date.

(d) It is the intention of the Legislature that the increases in retirement allowances and special death benefits provided by this section shall not be cumulative with any other increases in such allowances or such special death benefits, or both, which may be made by the Legislature at its 1957 Regular Session. If the retirement allowances and special death benefits to which this section is otherwise applicable, or any of them, are increased pursuant to any other legislation enacted by the Legislature at its 1957 Regular Session, this section shall be applicable only to the extent that the increased amounts payable pursuant to it exceed the increased amounts payable pursuant to such other 1957 legislation.

(e) This section shall not apply to any contracting agency, nor to retirement allowances or special death benefits payable to or in respect to the retired or deceased employees of any contracting agency, unless and until the contracting agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461.5, except that an election among the employees is not required, or by express provision in its contract with the board.

Any increase in allowances provided by this section shall not take effect prior to the date the contract is amended to subject the contracting agency to the provisions of this section.

(f) Any person receiving an allowance subject to the increase provided for herein may elect to waive such increase and continue to receive their allowance unmodified by the provisions of this section.

(g) The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the state so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section.

The effective date of retirement for purposes of this section for a person who was retired, reinstated from retirement and again retired, shall be the effective date of his first retirement unless he was credited with one year or more of service in the period intervening between the date of his reinstatement and the effective date of his last retirement, in which case the effective date shall be the effective date of his last retirement.

The amendment to this section at the 1967 Regular Session of the Legislature shall not give any retired member a claim to any increase in an allowance paid or payable for time prior to the effective date of said amendment.

SEC. 2. Section 21251.6 of the Government Code is amended to read:

21251.6. (a) Every retirement allowance exclusive of that portion purchased by the member's accumulated additional contributions payable for time commencing on the effective date of this section to or on account of any member who has retired on or prior to December 31, 1961, is hereby increased by a monthly amount which, when added to any other increases in such retirement allowance made by the Legislature at its 1963 Regular Session, except any increase resulting from an amendment of the provisions of this part relating to allowances upon ordinary disability retirement, equals the percentage of the retirement allowance set forth in the following table opposite the period during which the member's retirement became effective.

Period during which retirement became effective	Percentage
On or before July 1, 1957	10%
12 months ended July 1, 1958	8%
12 months ended July 1, 1959	6%
12 months ended July 1, 1960	4%
18 months ended December 31, 1961	2%

The effective date of retirement for purposes of this section for a person who was retired, reinstated from retirement and again retired, shall be the effective date of his first retirement unless he was credited with one year or more of service in the period intervening between the date of his reinstatement and the effective date of his last retirement, in which case the effective date shall be the effective date of his last retirement.

The amendment to this section at the 1967 Regular Session of the Legislature shall not give any retired member a claim to any increase in an allowance paid or payable for time prior to the effective date of said amendment.

No increase under this section shall exceed in the aggregate the sum of fifty dollars ($50) per month.

Where a member to or on account of whom an increased retirement allowance is payable under this section has elected pursuant to Article 4 of Chapter 9 of this part to have his retirement allowance modified in accordance with an optional settlement provided in Section 21333, Section 21334, or Section 21335, if both the retired member and his beneficiary are living on the effective date of this section, the increase provided by this section shall be an amount equal to the percentage of the allowance being paid to the retired person, and upon death of the retired person, or upon death of his beneficiary if a different allowance is payable to the retired person because of such death, an equal percentage of the amount then payable to the survivor; and if either such retired person or his beneficiary is not living on said effective date, then the increase provided under this section shall be an amount equal to the percentage of the allowance being paid to the survivor. If such member has chosen to have the actuarial equivalent of his allowance paid as provided in Section 21338, the percentage increase provided herein shall be applied to the amount of the unmodified allowance and the life annuity portion of his allowance shall be increased in that amount.

The increase in each retirement allowance provided by this section shall be apportioned between the current service pension and the prior service pension of the retired member in the same proportions that the current service benefit and the prior service benefit bear to the total benefit, and shall be derived from contributions of the employer.

(b) Every special death benefit survivor allowance under Section 21365.5 of this part, or allowance under Section 21263 or 21264 of this part payable for time commencing on the effective date of this section on account of the death of any member who dies on or prior to December 31, 1961, is hereby increased by a monthly amount which, when added to any other increases in such death benefit or allowance made by the Legislature at its 1963 Regular Session, equals the percentages of increase set forth in the table in subdivision (a) above, opposite the period during which the member's death occurred or, in the case of an allowance under Section 21263 or 21264 opposite the period during which the member's retirement became effective.

(c) This section does not authorize any decrease in any allowance or special death benefit, nor does this section give any retired member, or his successors in interest, or his beneficiary, or any payee of any special death benefit or allowance in respect to a deceased member any claim against the state for any increase in any allowance or special death benefit paid or payable for time prior to its effective date.

(d) This section shall not apply to any contracting agency, other than a county superintendent of schools, nor to allowances or special death benefits payable to or in respect to the

retired or deceased employees of any contracting agency, unless and until the contracting agency elects to be subject to its provisions by amendment to its contract with the board, made as provided in Section 20461.5, except that an election among the employees is not required, or by express provision in its contract with the board.

Any increase in allowances provided by this section shall not take effect prior to the date the contract is amended to subject the contracting agency to the provisions of this section.

(e) The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the employer so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section.

CHAPTER 941

An act to amend Section 987a of the Penal Code, relating to counsel for defendants in criminal cases.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 987a of the Penal Code is amended to read:

987a. In any case in which a person, including a person who is a minor, desires but is unable to employ counsel and in which counsel is assigned in the superior court, municipal court, or justice court to represent such a person in a criminal trial, proceeding or appeal, such counsel, in a county or city and county in which there is no public defender, or in a case in which the court finds that because of conflict of interest or other reasons the public defender has properly refused to represent the person accused, shall receive a reasonable sum for compensation and for necessary expenses, the amount of which shall be determined by the court, to be paid out of the general fund of the county.

The board of supervisors may by contract provide that any public defender duly appointed or elected may charge reasonable fees to the Department of Corrections for representing inmates of prisons under its control, and the Department of Corrections may upon approval by the court pay such fees into the county treasury to be placed in the general fund of the county.

Counsel shall be appointed to represent, in the municipal or justice court, a person who desires but is unable to employ counsel, when it appears that such appointment is necessary to provide an adequate and effective defense for defendant.

CHAPTER 942

An act to amend Section 14251 of the Government Code, relating to the State Contract Act.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 14251 of the Government Code is amended to read:

14251. Contracts for the purchase of supplies or materials, which are purchased pursuant to Chapter 6 (commencing with Section 14780), Part 5.5, Division 3, Title 2 of this code, are not subject to this chapter, even though the seller is required to perform some incidental work or service in connection with the delivery of the material or supplies.

CHAPTER 943

An act to add Section 13314.5 to the Education Code, relating to school district employees.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 13314.5 is added to the Education Code, to read:

13314.5. A permanent employee in a position which requires certification qualifications but which is not a classroom teaching position shall retain his permanent classification in that position when he is advanced to an administrative or supervisory position requiring certification qualifications, he is assigned any special or other type of work requiring certification qualifications, or he is given special classification or designation requiring certification qualifications.

If such a person is advanced to an administrative or supervisory position not requiring certification qualifications, is assigned any special or other type of work not requiring certification qualifications, or is given special classification or designation not requiring certification qualifications, his right to retain permanent classification in his former position shall be governed by the provisions of Article 4 (commencing with Section 13050) of Chapter 1 of this division.

CHAPTER 944

An act to add Section 7538 to the Public Utilities Code, relating to railroad crossings.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 7538 is added to the Public Utilities Code, to read:

7538. At any farm or private grade crossing of a railroad where no automatic grade crossing protective device is in place the commission shall be empowered to prescribe, as a means of protecting the crossing, one or more stop signs of the type described in Section 21400 of the Vehicle Code or of such other design as it may consider appropriate. At any grade crossing where stop signs are installed or in place, before traversing such crossing the driver of any vehicle shall stop such vehicle not less than 10 nor more than 50 feet from the nearest rail of the track and while so stopped shall listen, and look in both directions along the track, for any approaching train or other equipment using such rails. The vehicle shall remain standing while any train or other equipment using such rails is approaching the crossing and is close enough to constitute a hazard. A driver of any vehicle who fails to keep his vehicle standing while any train or equipment using such rails is approaching the crossing and which is so close as to constitute a hazard is guilty of a misdemeanor.

CHAPTER 945

An act to amend Sections 74692, 74693, 74693.1, and 74693.2 of the Government Code, relating to municipal courts.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 74692 of the Government Code is amended to read:

74692. There shall be one clerk of the municipal court who shall receive a biweekly salary at the rate specified in range 45 of the salary schedule provided in Section 74693.1.

SEC. 2. Section 74693 of the Government Code is amended to read:

74693. The clerk may appoint:

(a) One assistant municipal court clerk who shall receive a biweekly salary at the rate specified in range 38 of the salary schedule provided in Section 74693.1.

(b) Five deputy court clerks grade III who shall receive a biweekly salary at the rate specified in range 28 of the salary schedule provided in Section 74693.1.

(c) Nine deputy court clerks each of whom shall be either grade I or grade II. Grade II deputy clerks shall receive a biweekly salary at the rate specified in range 22 of the salary schedule in Section 74693.1. Grade I deputy clerks shall receive a biweekly salary at the rate specified in range 15 of the schedule.

SEC. 3. Section 74693.1 of the Government Code is amended to read:

74693.1. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of biweekly salaries shall apply:

Range	Step 1	Step 2	Step 3	Step 4	Step 5
14	$138.40	$145.60	$152.80	$160.00	$168.00
15	141.60	148.80	156.00	164.00	172.00
16	145.60	152.80	160.00	168.00	176.80
17	148.80	156.00	164.00	172.00	180.80
18	152.80	160.00	168.00	176.80	185.60
19	156.00	164.00	172.00	180.80	189.60
20	160.00	168.00	176.80	185.60	194.40
21	164.00	172.00	180.80	189.60	199.20
22	168.00	176.80	185.60	195.40	204.80
23	172.00	180 80	189.60	199.20	209.60
24	176.80	185.60	194.40	204.80	215.20
25	180.80	189.60	199.20	209.60	220.00
26	185.60	194.40	204.80	215.20	225.60
27	189.60	199.20	209.60	220.00	231.20
28	194.40	204.80	215.20	225.60	236.80
29	199.20	209.60	220.00	231.20	242.40
30	204.80	215.20	225.60	236.80	248.80
31	209.60	220.00	231.20	242.40	254.40
32	215.20	225.60	236.80	248.80	261.60
33	220.00	231.20	242.40	254.40	268.00
34	225.60	236 80	248.80	261.60	274.40
35	231.20	242.40	254.40	268.00	280.80
36	236.80	248.80	261.60	274.40	288.00
37	242.40	254.40	268.00	280.80	295.20
38	248.80	261.60	274.40	288.00	302.40
39	254.40	268.00	280.80	295.20	309.60
40	261.60	274.40	288.00	302.40	317.60
41	268.00	280.80	295.20	309.60	325.60
42	274.40	288.00	302.40	317.60	333.60
43	280.80	295.20	309.60	325.60	341.60
44	288.00	302.40	317.60	333.60	350.40
45	295.20	309.60	325.60	341.60	358.40
46	302.40	317.60	333 60	350.40	368.00
47	309 60	325.60	341.60	358.40	376.80
48	317.60	333.60	350.40	368.00	386.40
49	325.60	341.60	358.40	376.80	395.20

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to a salary range set forth in this section, shall for the first twelve (12) months of service, receive the rate of biweekly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing twelve (12) months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step 5 of such range.

In the case of persons in the positions specified in Sections 74692 and 74693, on the effective date of the amendments to this section enacted at the 1967 Regular Session of the Legislature, they shall have their existing salaries adjusted to the same relative step in the new range, and such adjustment shall not alter the anniversary date or eligibility of the employee for consideration for a regular step increase under this section.

SEC. 4. Section 74693.2 of the Government Code is amended to read:

74693.2. Notwithstanding any other provision in this article, the salaries of municipal court employees may, upon approval by the board of supervisors, be increased in the same manner and at the same rate as a general salary increase is effective for other permanent county salaried employees, provided that such increases shall not exceed a total amount in excess of 20 percent of the salaries established by the amendments to this article enacted at the 1967 Regular Session of the Legislature. A "general salary increase" shall be considered to have been granted when 75 percent or more of the permanent salaried employees of the county have been granted a salary increase of one or more ranges, as adopted by the Santa Cruz County Board of Supervisors by amendment to the Santa Cruz County Code, in addition to any regular annual step increase.

It is the purpose of this section to provide compensation for municipal court employees which is comparable to that paid to county employees of similar qualifications and experience holding equal or comparable positions in the Santa Cruz County classified service, as such comparability is determined by the Santa Cruz County Board of Supervisors.

Any adjustments of salaries made pursuant to this section shall remain in effect until the 61st day after adjournment of the 1969 Regular Session of the Legislature.

CHAPTER 946

An act to add Section 1043a to the Probate Code, relating to administration of estates.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 1043a is added to the Probate Code, to read:

1043a. If the claim or property referred to in Section 1043 of this code consists of an account or accounts in any savings and loan association or bank doing business in this state, then publication of the notice specified in Section 1043 shall be pursuant to Section 6063 of the Government Code, and such notice shall require all persons having claims against the decedent or an interest in his estate and wishing to object to removal from this state of funds constituting such account or accounts, to give written notice thereof to such savings and loan association or bank within 30 days after the first publication of such notice.

CHAPTER 947

An act to amend Section 7852 of, and to add Section 8504.5 to, the Education Code, relating to instruction in the public schools.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 7852 of the Education Code is amended to read:

7852. Instruction upon the nature of alcohol, narcotics, restricted dangerous drugs as defined in Section 11901 of the Health and Safety Code, and other dangerous substances and their effects upon the human system as determined by science shall be included in the curriculum of all elementary and secondary schools. The governing board of the district shall adopt regulations specifying the grade or grades and the course or courses in which such instruction with respect to alcohol, narcotics, restricted dangerous drugs as defined in Section 11901 of the Health and Safety Code, and other dangerous substances shall be included. All persons responsible for the preparation or enforcement of courses of study shall provide for instruction on the subjects of alcohol, narcotics, restricted dangerous drugs as defined in Section 11901 of the Health and Safety Code, and other dangerous substances.

SEC. 2. Section 8504.5 is added to the Education Code, to read:

8504.5. Instruction upon the nature of alcohol, narcotics, restricted dangerous drugs as defined in Section 11901 of the Health and Safety Code, and other dangerous substances and their effects upon the human system as determined by science shall be included in the curriculum of all elementary and secondary schools. The governing board of the district shall adopt regulations specifying the grade or grades and the course or courses in which such instruction with respect to alcohol, narcotics, restricted dangerous drugs as defined in Section 11901 of the Health and Safety Code, and other dangerous substances shall be included. All persons responsible for the preparation or enforcement of courses of study shall provide for instruction on the subjects of alcohol, narcotics, restricted dangerous drugs as defined in Section 11901 of the Health and Safety Code, and other dangerous substances.

SEC. 3. Section 2 of this act shall become effective only if Senate Bill No. 311 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 311 takes effect; at which time Section 7852 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 948

An act to add Section 20361.1 to the Government Code, relating to the state retirement system.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 20361.1 is added to the Government Code, to read:

20361.1. If a person is already a member of this system when he becomes an elective officer, he may resign from membership at any time thereafter and shall be paid forthwith all his accumulated contributions.

Subsequent to such resignation he may elect at any time to again become a member. Such election, and the amount and manner of paying contributions shall be as provided in Section 20361. The options provided herein may be exercised but once by any one person.

CHAPTER 949

An act to amend Section 850 of the Penal Code, relating to warrants.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 850 of the Penal Code is amended to read:

850. A telegraphic copy of a warrant or an abstract of a warrant may be sent by telegraph, teletype, or any other electronic devices, to one or more peace officers, and such copy or abstract is as effectual in the hands of any officer, and he must proceed in the same manner under it as though he held the original warrant issued by a magistrate. An abstract of the warrant as herein referred to shall contain the following information: the charge, the court of issuance, the subject's name, address and description, the bail, the name of the issuing magistrate, whether the offense charged is a felony or misdemeanor, and if a misdemeanor, whether it has been certified for night service, and the warrant number.

CHAPTER 950

An act to amend Section 1549.2 of the Penal Code, relating to extradition.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 1549.2 of the Penal Code is amended to read:

1549.2. If a demand conforms to the provisions of this chapter, the Governor or agent authorized in writing by the Governor whose authorization has been filed with the Secretary of State shall sign a warrant of arrest, which shall be sealed with the State Seal, and shall be directed to any peace officer or other person whom he may entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

CHAPTER 951

An act to amend Section 1873 of the Civil Code, and to amend Sections 1411 and 1418 of the Penal Code, relating to disposal of property.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 1873 of the Civil Code is amended to read:

1873. The legislative body of any city, city and county, or county may provide by ordinance for the care, restitution, sale or destruction of unclaimed property in the possession of the police department of such city or city and county or of the sheriff of such county. Any city, city and county, or county adopting such an ordinance shall provide therein (1) that such unclaimed property except unclaimed bicycles, shall be held by the police department or sheriff for a period of at least six months, and that unclaimed bicycles shall be held for a period of a least three months, and (2) that thereafter such property will be sold at public auction to the highest bidder, with notice of such sale being given by the chief of police or sheriff at least five days before the time fixed therefor by publication once in a newspaper of general circulation published in the county, or that thereafter such property will be transferred to the local government purchasing and stores agency or other similar agency for sale to the public at public auction. If property is transferred to the local government purchasing and stores agency or other similar agency pursuant to this section, such property shall not be redeemable by the owner or other person entitled to possession.

SEC. 2. Section 1411 of the Penal Code is amended to read:

1411. Except as provided in Section 516 of the Welfare and Institutions Code, if the property stolen or embezzled is not claimed by the owner before the expiration of six months from the conviction of a person for stealing or embezzling it, or in the case of a bicycle before the expiration of three months from such conviction, the magistrate or other officer having it in custody must, on the payment of the necessary expenses incurred in its preservation, deliver it to the county treasurer or other proper county officer, by whom it must be sold and the proceeds paid into the county treasury.

SEC. 3. Section 1418 of the Penal Code is amended to read:

1418. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order all such exhibits, other than documentary exhibits, as may be released from the custody of the court without prejudice to the state, delivered to such party at any time after the final determination of the action or proceeding. In all cases in which

the death penalty has been imposed no such order shall be made until the sentence of death has been carried out. If the party entitled to such exhibits is unknown, or fails to apply for the return of such exhibits, the procedure for their disposition shall be as follows:

After the expiration of one year from the final determination of the action or proceeding, the court in which the case was tried shall make an order specifying what exhibits may be released from the custody of the court without prejudice to the state. Upon receipt of such an order, the clerk of the court shall transfer the property to the county purchasing and stores agency or other proper county agency for sale to the public at public auction.

At any time prior to the time fixed for the transfer, the owner or any person entitled to the possession of any of such exhibits may obtain from the court an order returning them to him.

Articles not returned to their owners or to persons entitled to their possession at or prior to the time set for the transfer shall be sold by the proper receiving agency for cash; said articles shall be sold singly or in combinations. The money received from such sales shall be placed in the general fund of the county.

Where the exhibit consists of money or currency and is unclaimed at the time of the transfer, the clerk shall not transfer it but shall immediately deposit it in the general fund of the county.

SEC. 4. Section 1873 of the Civil Code is amended to read:

1873. The legislative body of any city, city and county, or county may provide by ordinance for the care, restitution, sale or destruction of unclaimed property in the possession of the police department of such city or city and county or of the sheriff of such county. Any city, city and county, or county adopting such an ordinance shall provide therein (1) that such unclaimed property shall be held by the police department or sheriff for a period of at least three months, and (2) that thereafter such property will be sold at public auction to the highest bidder, with notice of such sale being given by the chief of police or sheriff at least five days before the time fixed therefor by publication once in a newspaper of general circulation published in the county, or that thereafter such property will be transferred to the local government purchasing and stores agency or other similar agency for sale to the public at public auction. If property is transferred to the local government purchasing and stores agency or other similar agency pursuant to this section, such property shall not be redeemable by the owner or other person entitled to possession.

SEC. 5. Section 4 of this act shall become operative only if Assembly Bill No. 760 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 760 takes effect; at which time Section 1 of this act is repealed.

CHAPTER 952

An act to amend Sections 14951 and 14956 of the Government Code, relating to inspectors at state buildings.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 14951 of the Government Code is amended to read:

14951. The Department of General Services shall succeed to the powers, duties and functions with respect to architectural services previously vested in the Division of Architecture or the State Architect of the Department of Public Works.

The State Architect has general charge, under the Department of General Services, of the erection of all state buildings and shall have an inspector assigned to each building during its construction.

SEC. 2. Section 14956 of the Government Code is amended to read:

14956. The provisions of this chapter, insofar as they vest in the State Architect general charge of the erection of all state buildings and require him to have an inspector assigned to each building during its construction, shall not apply to the construction of any public works which is under the jurisdiction of the Department of Water Resources or the Department of Public Works.

CHAPTER 953

An act to amend Sections 23303, 23305, 23332, 23732, 24452, 24561 and 24575.1 of the Revenue and Taxation Code, relating to banks, corporations, associations and Massachusetts trusts.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 23303 of the Revenue and Taxation Code is amended to read:

23303. Notwithstanding the provisions of Section 23301 or Section 23301.5, any bank or corporation which transacts business or receives income within the period of its suspension or forfeiture shall be subject to tax under the provisions of this chapter.

SEC. 2. Section 23305 of the Revenue and Taxation Code is amended to read:

23305. Any taxpayer which has suffered the suspension or forfeiture provided for in Section 23301 or Section 23301.5

may be relieved therefrom upon making application therefore in writing to the Franchise Tax Board and upon payment of the tax and the interest and penalties for nonpayment of which the suspension or forfeiture occurred, together with all other taxes, deficiencies, interest and penalties due under this part, and upon the issuance by the Franchise Tax Board of a certificate of revivor. Application for such certificate on behalf of any domestic bank or corporation which has suffered such suspension may be made by any stockholder or creditor or by a majority of the surviving trustees or directors thereof; application for such certificate may be made by any foreign bank or corporation which has suffered such forfeiture or by any stockholder or creditor thereof.

SEC. 3. Section 23332 of the Revenue and Taxation Code is amended to read:

23332. Except in the case of a taxpayer subject to the provisions of Section 23222a, any taxpayer which is dissolved or withdraws from the state during any taxable year shall pay a tax only for the months of the taxable year which precede the effective date of such dissolution or withdrawal, according to or measured by (a) the net income of the preceding income year or (b) a percentage of net income determined by ascertaining the ratio which the months of the taxable year, preceding the effective date of dissolution or withdrawal, bears to the months of the income year, whichever is the lesser amount. As to financial corporations, the offset from the tax for the months of such taxable year prior to the effective date of such dissolution or withdrawal shall not exceed that proportion of the offset computed under Sections 23184 to 23185b, inclusive, which the number of said months prior to the effective date of such dissolution or withdrawal bears to the number of months of the preceding income year. The taxes levied under this chapter shall not be subject to abatement or refund because of the cessation of business or corporate existence of any taxpayer pursuant to a reorganization, consolidation, or merger (as defined by Section 23251). In any event, each corporation shall pay a tax not subject to offset for such period in an amount equal to the minimum tax prescribed by Section 23153.

SEC. 4. Section 23732 of the Revenue and Taxation Code is amended to read:

23732. The term "unrelated business net income" means the gross income derived by any organization from any unrelated trade or business as defined in Section 23734, regularly carried on by it, less the deductions allowed by Article 1 of Chapter 7, which are directly connected with the carrying on of such trade or business, subject to the exceptions, additions, and limitations prescribed in Sections 23732a to 23732h, inclusive.

SEC. 5. Section 24452 of the Revenue and Taxation Code is amended to read:

24452. (a) For purposes of Sections 24451 through 24453 the amount of any distribution shall be—the amount of money received, plus whichever of the following is the lesser:

(1) The fair market value of the other property received; or

(2) The adjusted basis (in the hands of the distributing bank or corporation immediately before the distribution) of the other property received, increased in the amount of gain to the distributing bank or corporation which is recognized under Sections 24482 or 24483 or Section 17417 of Part 10.

(b) The amount of any distribution determined under subdivision (a) shall be reduced (but not below zero) by—

(1) The amount of any liability of the bank or corporation assumed by the shareholder in connection with the distribution; and

(2) The amount of any liability to which the property received by the shareholder is subject immediately before, and immediately after, the distribution

(c) For purposes of Sections 24451 through 24454, fair market value shall be determined as of the date of the distribution.

SEC. 6. Section 24561 of the Revenue and Taxation Code is amended to read:

24561. In determining the extent to which gain shall be recognized in the case of any of the exchanges described in Sections 24502, 24521, 24531, 24532, 24533, 24535, 24536, 24537, 24538, 24539, or 24551, a foreign corporation shall not be considered as a corporation unless, before such exchange, it has been established to the satisfaction of the Franchise Tax Board that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of taxes under this part.

SEC. 7. Section 24575.1 of the Revenue and Taxation Code is amended to read:

24575.1. (a) (1) If the taxpayer has acquired property in a transaction described in Section 24577 or 24578(b), and if any such property constitutes retirement-straight line property, then, in determining the adjusted basis of all retirement-straight line property held by the taxpayer on his adjustment date, adjustment shall be made (in lieu of the adjustment provided in Section 24917) for depreciation sustained before March 1, 1913, on retirement-straight line property which was held on such date for which cost was or is claimed as basis, and which either—

(A) Was retired before the acquisition of the retirement-straight line property by the taxpayer, but only if a deduction was allowed in computing net income by reason of such retirement, and such deduction was computed on the basis of cost without adjustment for depreciation sustained before March 1, 1913. In the case of any such property retired during any income year beginning after December 31, 1929, the adjustment under this subparagraph shall not exceed that portion of

the amount attributable to depreciation sustained before March 1, 1913, which resulted or would have resulted, had the taxpayer been subject to this part during such years, (by reason of the deduction so allowed) in a reduction in taxes under this part or prior tax laws.

(B) Was acquired by the taxpayer.

The adjustment determined under this paragraph shall be allocated (in the manner prescribed by the Franchise Tax Board) among all retirement-straight line property held by the taxpayer on his adjustment date. Such adjustment shall apply to all periods on and after the adjustment date.

(2) For purposes of this section, the term "retirement-straight line property" means any property of a kind or class with respect to which (A) the corporation transferring such property to the taxpayer was using (at the time of transfer) the retirement method of computing the allowance of deductions for depreciation, and (B) the acquiring corporation has adopted any other method of computing such allowance.

(3) For purposes of this section:

(A) The term "depreciation" means exhaustion, wear and tear, and obsolescense.

(B) In the case of any kind or class of property, the term "adjustment date" means whichever of the following is the later:

(i) The first day of the taxpayer's first income year beginning after December 31, 1953, or

(ii) The first day of the first income year after enactment of this section in which the taxpayer uses a method of computing the allowance of deductions for depreciation other than the retirement method.

CHAPTER 954

An act to amend Section 35014 of the Government Code, relating to the annexation of tidelands or submerged lands.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 35014 of the Government Code is amended to read:

35014. No tidelands or submerged lands which are owned by the state or by its grantees in trust shall be annexed to a city except that portion of such tidelands or submerged lands encompassed within the seaward or waterward extensions of the existing land boundaries of the city, or of the proposed land boundaries of the territory being annexed as part of the same proceedings, extended from the point where the land boundaries intersect the shoreline at such an angle to the shoreline and following such a course or courses as may be approved by the State Lands Commission.

If any such tidelands or submerged lands shall be included within the boundaries of any territory proposed to be annexed to a city, a description of such boundaries, together with a map showing such boundaries, shall be filed with the State Lands Commission. Such filing shall be made prior to filing or taking any action under Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5. The State Lands Commission shall approve or disapprove all portions of the boundaries located upon such tidelands or submerged lands and in making such determination it shall, where feasible and appropriate, require such extensions of the land boundaries of the city to be at right angles to the general direction of the shoreline at each point of intersection of the shoreline with the land boundaries of the city, provided that, in the interest of insuring an orderly and equitable pattern of offshore boundaries, it may establish such other angle and such other courses for each such offshore boundary as it may deem necessary considering any irregularity of the shoreline, other geographical features, the effect of such offshore or submerged lands annexations on the uplands of the city and adjoining territory, and the existing and potential boundaries of other cities and of unincorporated communities.

Within 45 days after the filing of the boundary description and map with the State Lands Commission, said commission shall make a determination of the proper offshore or submerged lands boundaries. Said determination shall be final and conclusive. Failure to report within said time shall be deemed approval of the proposed offshore or submerged lands boundaries.

The State Lands Commission shall report its determination to the city, to such other person or persons, if any, as shall have filed said boundary description and map, and to the executive officer of the local agency formation commission. Thereafter, filings and action may be taken pursuant to Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5. Pursuant to said Chapter 6.6 the local agency formation commission may review and make determinations as to all portions of the boundaries, other than said offshore or submerged lands boundaries.

For purposes of this section, submerged lands include but are not limited to lands underlying navigable waters irrespective of whether or not such waters are subject to tidal influences.

CHAPTER 955

An act to amend Sections 73772, 73773, 73778, and 73779 of the Government Code, relating to Marin County municipal courts.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 73772 of the Government Code is amended to read:

73772. There shall be one clerk, who shall be secretary of the court and who shall receive an annual salary of fifteen thousand three hundred dollars ($15,300) payable in equal monthly installments during the first 12 months following the effective date of the amendments to this section enacted at the 1967 Regular Session of the Legislature with an increment of fifty-eight dollars and thirty-four cents ($58.34) per month to a maximum of sixteen thousand dollars ($16,000) per annum thereafter.

SEC. 2. Section 73773 of the Government Code is amended to read:

73773. The clerk, with the approval of the judges of said court, may appoint:

(a) One chief deputy clerk who shall receive a minimum salary of eight hundred seventy dollars ($870) monthly with increments of forty-four dollars ($44), forty-six dollars ($46), forty-eight dollars ($48), and fifty dollars ($50) to a maximum of one thousand fifty-eight dollars ($1,058) monthly.

(b) Ten deputy clerks grade V, each of whom shall receive a minimum salary of five hundred ninety dollars ($590) monthly with increments of twenty-nine dollars ($29), thirty-one dollars ($31), thirty-three dollars ($33), and thirty-four dollars ($34) to a maximum of seven hundred seventeen dollars ($717) monthly.

(c) Four deputy clerks grade IV, each of whom shall receive a minimum salary of five hundred thirty-six dollars ($536) monthly with increments of twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), and thirty-one dollars ($31) to a maximum of six hundred fifty dollars ($650) monthly.

(d) Ten deputy clerks grade III, each of whom shall receive a minimum salary of four hundred eighty-six dollars ($486) monthly with increments of twenty-four dollars ($24), twenty-six dollars ($26), twenty-six dollars ($26), and twenty-eight dollars ($28) to a maximum of five hundred ninety dollars ($590) monthly.

(e) Nine deputy clerks grade II, each of whom shall receive a minimum salary of four hundred forty dollars ($440) monthly with increments of twenty-three dollars ($23), twenty-three dollars ($23), twenty-four dollars ($24), and

twenty-six dollars ($26) to a maximum of five hundred thirty-six dollars ($536) monthly.

(f) Seven deputy clerks grade I, each of whom shall receive a minimum salary of four hundred nineteen dollars ($419) monthly with increments of twenty-one dollars ($21), twenty-three dollars ($23), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of five hundred ten dollars ($510) monthly.

(g) Two intermediate typist-clerks, each of whom shall receive a minimum salary of three hundred eighty dollars ($380) monthly with increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-three dollars ($23) to a maximum of four hundred sixty-three dollars ($463) monthly.

In the application of the provisions of this section to existing officers and attachés of the court on the effective date hereof, the allocations of ranges and increments shall be made in the manner provided in Section 73778.

SEC. 3. Section 73778 of the Government Code is amended to read:

73778. The allocations of the ranges and increments for the persons appointed by the clerk pursuant to this article on the effective date of the 1967 amendments to this section shall be made, subject to the provisions of this article, by the clerk, with the approval of the majority of the judges.

SEC. 4. Section 73779 of the Government Code is amended to read:

73779. Notwithstanding the provisions of Article 4 of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court with the approval of the judges of the court and the Board of Supervisors of the County of Marin, an officer or an attaché of the court, whether appointed under the provisions of this article or under Article 4 of Chapter 8 of this title, may be paid any compensation in excess of or less than the maximum to which such employee would otherwise be entitled; provided, that any such salary adjustment shall not extend longer than sixty (60) days after the adjournment of the next regular session of the Legislature.

CHAPTER 956

An act to amend Section 10751 of the Education Code, relating to pupil records.

[Approved by Governor July 27, 1967. Filed with Secretary of State July 27, 1967.]

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

SECTION 1. Section 10751 of the Education Code is amended to read:

10751. No teacher, principal, employee, or governing board member of any public, private, or parochial school, including colleges and universities, shall give out any personal information concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

(a) A parent or guardian of such pupil.

(b) A person designated, in writing, by such pupil if he is an adult, or by the parent or guardian of such pupil if he is a minor.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) An officer or employee of the United States, the State of California, or a city, city and county, or county seeking information in the course of his duties.

(e) An officer or employee of a public or private guidance or welfare agency of which the pupil is a client.

Restrictions imposed by this act are not intended to interfere with the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information. Notwithstanding the restrictions imposed by this section, a governing board may, in its discretion, provide information to the staff of a college, university, or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be identified in the completed report or in any public report of the research project or study, and an employer or potential employer of the pupil may be furnished the age and scholastic record of the pupil and employment recommendations prepared by members of the school staff, and rosters or lists containing the names and addresses of seniors in public, private, or parochial high schools or junior colleges may be furnished to private business or professional schools and colleges.

CHAPTER 957

An act to amend Section 8436 of the Government Code, relating to the Southern California World Trade Center.

[Approved by Governor July 28, 1967. Filed with Secretary of State July 28, 1967.]

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

SECTION 1. Section 8436 of the Government Code is amended to read:

8436. The authority is composed of 11 members, including the Director of Public Works, the Director of Finance, one member of the Los Angeles Board of Harbor Commissioners, one member of the Long Beach Board of Harbor Commissioners, one member of the Board of Commissioners of the San Diego Unified Port District, one member of the Board of Directors of the Oxnard Harbor District, and five persons appointed by the Governor from the areas of California having the greatest concern in the world trade center and representing, insofar as practicable, the industries and areas benefited by the activities of the Southern California World Trade Center. Persons appointed shall have outstanding qualifications resulting from training, experience, and attainments in production and trade.

The members of the authority that serve as a representative of a harbor commission shall serve on the authority only so long as they are members of their respective commissions.

If the office of the Director of Public Works or of the office of the Director of Finance hereafter be discontinued or abolished by law, then the Governor shall appoint any person or officer of the State of California to fill any vacancy resulting from the abolition or discontinuance of such office.

CHAPTER 958

An act to add Section 1352.5 to the Labor Code, relating to working hours of cosmetologists.

[Approved by Governor July 28, 1967. Filed with Secretary of State July 28, 1967.]

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

SECTION 1. Section 1352.5 is added to the Labor Code, to read:

1352.5. In the event compliance with Section 1350 prevents the completion of a service from being performed by a licensed cosmetologist to a member of the public and such service was commenced at a time when the service could reasonably have been expected to be completed within the eight

hours provided in Section 1350, the licensed cosmetologist may complete the service, and her employer is exempt from the provisions of Section 1354 if such cosmetologist receives compensatory time off in the same workweek and the hours worked for that week do not exceed 48.

CHAPTER 959

An act to add Section 31676.96 to the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor July 28, 1967. Filed with Secretary of State July 28, 1967.]

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

SECTION 1. Section 31676.96 is added to the Government Code, to read:

31676.96. In every county coming under the provisions of Section 31676.1, every current service pension and prior service pension payable for the time commencing on the first day of the month after the effective date of this section to any member who was retired prior to such effective date is hereby increased to the amount it would be if the provisions of this chapter, including Section 31676.1, as they exist on the effective date of this section had been in effect on the date of the actual retirement of the member, but this section does not authorize any decrease in any such pension, nor does this section give any such retired member, or his successors in interest, any claim against the county or district for any increase in any pension paid or payable for time prior to its effective date. Calculations of pensions under this section shall be made on the basis of current interest rate and mortality tables.

This section shall not apply to any retirement system established under the provisions of this chapter, nor to the members or retired members of any such system unless and until the governing board of the county or district covered by such retirement system elects to be subject to the provisions of this section in the manner provided by Article 2 (commencing with Section 31500) of this chapter with respect to the establishment of a retirement system hereunder, except that an election among the employees is not required.

CHAPTER 960

An act to add Sections 171c, 171d, 171e, and 12031 to the Penal Code, relating to firearms and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 1967. Filed with Secretary of State July 28, 1967.]

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

SECTION 1. Section 12031 is added to the Penal Code, to read:

12031. (a) Except as provided in subdivision (b), every person who carries a loaded firearm on his person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to any of following:

(1) Sheriffs, constables, marshals, policemen, members of the California Highway Patrol, members of the California State Police, and employees of the State Department of Justice listed in Section 817 who are designated as peace officers, whether active or honorably retired, other duly appointed peace officers as defined in Section 817, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(2) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state.

(3) Members of the military forces of this state or of the United States engaged in the performance of their duties.

(4) Persons who are using target ranges for the purpose of practice shooting with a firearm, or who are members of shooting clubs while hunting on the premises of such clubs.

(5) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (i) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (ii) must be not less than 21 years of age nor more than 40 years of age, (iii) must possess physical qualifications prescribed by the commission, and (iv) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(6) The carrying of concealable weapons by persons who are authorized to carry such weapons pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code.

(7) Private investigators, private patrol operators, and operators of a private patrol service who are licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(8) The carrying of weapons by persons who are authorized to carry such weapons pursuant to Section 607f of the Civil Code, while actually engaged in the performance of their duties pursuant to such section.

(c) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on his person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to the provisions of this section constitutes probable cause for arrest for violation of this section.

(d) As used in this section "prohibited area" means any place where it is unlawful to discharge a weapon.

(e) A firearm shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm; except that a muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(f) Nothing in this section shall prevent any person engaged in any lawful business, including a nonprofit organization, or any officer, employee, or agent authorized by such person for lawful purposes connected with such business, from having a loaded firearm within such person's place of business, or any person in lawful possession of private property from having a loaded firearm on such property.

(g) Nothing in this section shall prevent any person from carrying a loaded firearm in an area within an incorporated city while engaged in hunting, during such time and in such area as the hunting is not prohibited by the city council.

(h) Nothing in this section is intended to preclude the carrying of any loaded firearm, under circumstances where it would otherwise be lawful, by a person who reasonably believes that the person or property of himself or another is in immediate danger and that the carrying of such weapon is necessary for the preservation of such person or property.

(i) Nothing in this section is intended to preclude the carrying of a loaded firearm by any person while engaged in the act of making or attempting to make a lawful arrest.

(j) Nothing in this section shall prevent any person from having a loaded weapon, if it is otherwise lawful, at his place of residence, including any temporary residence or campsite.

SEC. 2. Section 171c is added to the Penal Code, to read:

171c. Any person, except a sheriff, constable, marshal, policeman, member of the California Highway Patrol, member of the California State Police, sergeant at arms or assistant sergeant at arms of either house of the Legislature, and an employee of the State Department of Justice listed in Section 817 who is designated as a peace officer, whether active or honorably retired, any other duly appointed peace officer as defined in Section 817, full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, or any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, or a member of the military forces of this state or of the United States engaged in the performance of his duties, or a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code, shall be punished by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars ($1,000), or by both such fine and imprisonment, or by imprisonment in the state prison for not more than five years, if he does any of the following:

1. Brings a loaded firearm into, or possesses a loaded firearm within the State Capitol, any legislative office, any office of the Governor or other constitutional officer, any hearing room in which any committee of the Senate or Assembly is conducting a hearing, or upon the grounds of the State Capitol, which is bounded by 10th, L, 15th, and N Streets in the City of Sacramento.

2. Brings a loaded firearm upon, or possesses a loaded firearm upon, the grounds of any public school, including the University of California and the state colleges, or within any public school, including the University of California and the state colleges, unless it is with the permission of the school authorities.

SEC. 3. Section 171d is added to the Penal Code, to read:

171d. Any person, except a sheriff, constable, marshal, policeman, member of the California Highway Patrol, member of the California State Police, and an employee of the State Department of Justice listed in Section 817 who is designated as a peace officer, whether active or honorably retired, any other duly appointed peace officer as defined in Section 817, full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, or any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, or a member of the military forces of this state or of the United States engaged in the performance of his

duties, a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code, or the Governor or a member of his immediate family or a person acting with his permission with respect to the Governor's Mansion or any other residence of the Governor, any other constitutional officer or a member of his immediate family or a person acting with his permission with respect to such officer's residence, or a Member of the Legislature or a member of his immediate family or a person acting with his permission with respect to such legislator's residence, shall be punished by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars ($1,000), or by both such fine and imprisonment, or by imprisonment in the state prison for not more than five years, if he does any of the following:

1. Brings a loaded firearm into, or possesses a loaded firearm within, the Governor's Mansion, or any other residence of the Governor, the residence of any other constitutional officer, or the residence of any Member of the Legislature.

2. Brings a loaded firearm upon, or possesses a loaded firearm upon, the grounds of the Governor's Mansion or any other residence of the Governor, the residence of any other constitutional officer, or the residence of any Member of the Legislature.

SEC. 4. Section 171e is added to the Penal Code, to read:

171e. A firearm shall be deemed loaded for the purposes of Sections 171c and 171d whenever both the firearm and unexpended ammunition capable of being discharged from such firearm are in the immediate possession of the same person.

In order to determine whether or not a firearm is loaded for the purpose of enforcing Section 171c or 171d, peace officers are authorized to examine any firearm carried by anyone on his person or in a vehicle while in any place or on the grounds of any place in or on which the possession of a loaded firearm is prohibited by Section 171c or 171d Refusal to allow a peace officer to inspect a firearm pursuant to the provisions of this section constitutes probable cause for arrest for violation of Section 171c or 171d.

SEC. 5. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 6. 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 such necessity are:

The State of California has witnessed, in recent years, the increasing incidence of organized groups and individuals pub-

licly arming themselves for purposes inimical to the peace and safety of the people of California.

Existing laws are not adequate to protect the people of this state from either the use of such weapons or from violent incidents arising from the mere presence of such armed individuals in public places. Therefore, in order to prevent the potentially tragic consequences of such activities, it is imperative that this statute take effect immediately.

CHAPTER 961

An act to amend Section 1463 of the Penal Code, relating to proceedings in inferior courts.

[Approved by Governor July 28, 1967. Filed with Secretary of State July 28, 1967.]

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

SECTION 1. Section 1463 of the Penal Code is amended to read:

1463. Except as otherwise specifically provided by law:

(1) All fines and forfeitures including Vehicle Code fines and forfeitures collected upon conviction or upon the forfeiture of bail, together with moneys deposited as bail, in any municipal court or justice court, shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated. The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the proper funds of the county an amount equal to the fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by the state or by the county in which such court is situated, exclusive of fines or forfeitures or foreitures of bail collected from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within the limits of a city within the county.

(b) Except as otherwise provided in this subdivision, once a month there shall be transferred into the traffic safety fund of each city in the county an amount equal to 50 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within that city, and an amount equal to the remaining 50 percent shall be transferred to the special road fund of the county.

Once a month there shall be transferred into the general fund of the county an amount equal to that percentage of the fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any

person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code on state highways constructed as freeways whereon city police officers enforced the provisions of the Vehicle Code on April 1, 1965, within the limits of a city within the county which is set forth in the schedule appearing in subparagraph (c) of this paragraph (1). If this paragraph is applicable within a city, it shall apply uniformly throughout the city to all freeways regardless of the date of freeway construction or completion.

(c) Once a month there shall be transferred into the general fund of the county an amount equal to that percentage of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by each city in the county which is set forth in the following schedule:

County and city	Percentage
Alameda	
Alameda	18
Albany	29
Berkeley	19
Emeryville	13
Hayward	10
Livermore	7
Oakland	22
Piedmont	44
Pleasanton	17
San Leandro	9
County percentage	21
Amador	
Amador	25
Ione	25
Jackson	25
Plymouth	25
Sutter Creek	25
County percentage	29
Butte	
Biggs	75
Chico	22
Gridley	49
Oroville	9
County percentage	20
Calaveras	
Angels	62
County percentage	62
Colusa	
Colusa	13
Williams	17
County percentage	16
Contra Costa	
Antioch	11
Brentwood	24
Concord	18
El Cerrito	19
Hercules	14
Martinez	22
Pinole	22
Pittsburg	5
Richmond	14
San Pablo	12
Walnut Creek	24
County percentage	14
Del Norte	
Crescent City	19
County percentage	19
El Dorado	
Placerville	14
County percentage	14
Fresno	
Clovis	23
Coalinga	21
Firebaugh	16
Fowler	34
Fresno	26
Huron	24
Kerman	14
Kingsburg	34
Mendota	11
Orange Cove	24
Parlier	21
Reedley	30

County and city	Percentage
Fresno—Continued	
Sanger	29
San Joaquin	15
Selma	14
County percentage	24
Glenn	
Orland	27
Willows	36
County percentage	32
Humboldt	
Arcata	9
Blue Lake	26
Eureka	11
Ferndale	30
Fortuna	17
Trinidad	11
County percentage	11
Imperial	
Brawley	8
Calexico	10
Calipatria	30
El Centro	5
Holtville	16
Imperial	6
Westmorland	12
County percentage	8
Inyo	
Bishop	25
County percentage	25
Kern	
Bakersfield	10
Delano	13
Maricopa	36
Shafter	15
Taft	19
Tehachapi	12
Wasco	28
County percentage	12
Kings	
Corcoran	31
Hanford	21
Lemoore	25
County percentage	25
Lake	
Lakeport	33
County percentage	33
Lassen	
Susanville	21
County percentage	21
Los Angeles	
Alhambra	13
Arcadia	11
Avalon	54
Azusa	11
Bell	11
Beverly Hills	14
Burbank	14
Claremont	5
Compton	16
Covina	11
Culver City	10
El Monte	11
El Segundo	11
Gardena	22
Glendale	16
Glendora	12
Hawthorne	7
Hermosa Beach	14
Huntington Park	12
Inglewood	16
La Verne	14
Long Beach	14
Los Angeles	8
Lynwood	9
Manhattan Beach	13
Maywood	15
Monrovia	11
Montebello	11
Monterey Park	11
Palos Verdes Estates	10
Pasadena	9
Pomona	12
Redondo Beach	15
San Fernando	17
San Gabriel	16
San Marino	5
Santa Monica	11
Sierra Madre	11
Signal Hill	24
South Gate	13
South Pasadena	9
Torrance	16

County and city	Percentage
Los Angeles—Continued	
Vernon	25
West Covina	11
Whittier	11
County percentage	11
Madera	
Chowchilla	17
Madera	16
County percentage	17
Marin	
Belvedere	16
Corte Madera	12
Fairfax	30
Larkspur	30
Mill Valley	13
Ross	18
San Anselmo	11
San Rafael	13
Sausalito	21
County percentage	16
Mendocino	
Fort Bragg	19
Point Arena	40
Ukiah	10
Willits	24
County percentage	17
Merced	
Atwater	23
Dos Palos	21
Gustine	23
Livingston	14
Los Banos	13
Merced	18
County percentage	18
Modoc	
Alturas	42
County percentage	42
Monterey	
Carmel	17
Gonzales	10
Greenfield	13
King City	36
Monterey	13
Pacific Grove	22
Salinas	36
Soledad	16
County percentage	23
Napa	
Calistoga	37
Napa	11
St. Helena	12
County percentage	14
Nevada	
Grass Valley	7
Nevada City	17
County percentage	9
Orange	
County percentage	15
Placer	
Auburn	18
Colfax	8
Lincoln	26
Rocklin	16
Roseville	10
County percentage	14
Plumas	
Portola	19
County percentage	19
Riverside	
Banning	35
Beaumont	15
Blythe	9
Coachella	12
Corona	12
Elsinore	10
Hemet	35
Indio	16
Palm Springs	35
Perris	14
Riverside	16
San Jacinto	41
County percentage	35
Sacramento	
Folsom	31
Galt	25
Isleton	13
North Sacramento	10
Sacramento	21
County percentage	26
San Benito	
Hollister	9
San Juan Bautista	28
County percentage	11

County and city	Percentage
San Bernardino	
Barstow	23
Chino	14
Colton	21
Fontana	15
Needles	33
Ontario	20
Redlands	28
Rialto	15
San Bernardino	20
Upland	14
County percentage	20
San Diego	
Carlsbad	8
Chula Vista	23
Coronado	25
Del Mar	8
El Cajon	17
Escondido	16
Imperial Beach	8
La Mesa	23
National City	14
Oceanside	15
San Marcos	8
Vista	8
San Diego	6
County percentage	25
San Joaquin	
Lodi	18
Manteca	8
Ripon	11
Stockton	14
Tracy	15
County percentage	14
San Luis Obispo	
Arroyo Grande	9
Paso Robles	26
Pismo Beach	8
San Luis Obispo	21
County percentage	16
San Mateo	
Atherton	27
Belmont	7
Burlingame	38
Colma	40
Daly City	24
Hillsborough	75
Menlo Park	12
Millbrae	16
Redwood City	27
San Bruno	13
San Carlos	8
San Mateo	42
South San Francisco	12
County percentage	21
Santa Barbara	
Guadalupe	28
Lompoc	16
Santa Barbara	11
Santa Maria	12
County percentage	13
Santa Clara	
Alviso	75
Campbell	16
Gilroy	28
Los Altos	16
Los Gatos	30
Morgan Hill	11
Mountain View	13
Palo Alto	21
San Jose	13
Santa Clara	16
Sunnyvale	26
County percentage	16
Santa Cruz	
Capitola	21
Santa Cruz	23
Watsonville	21
County percentage	22
Shasta	
Redding	22
County percentage	22
Sierra	
Loyalton	75
County percentage	75
Siskiyou	
Dorris	18
Dunsmuir	29
Etna	18
Fort Jones	46
Montague	75
Mount Shasta	37

County and city	Percentage
Siskiyou—Continued	
Tulelake	33
Yreka	30
County percentage	29
Solano	
Benicia	17
Dixon	28
Fairfield	31
Rio Vista	19
Suisun	7
Vacaville	15
Vallejo	18
County percentage	19
Sonoma	
Cloverdale	37
Healdsburg	33
Petaluma	24
Santa Rosa	14
Sebastopol	28
Sonoma	28
County percentage	19
Stanislaus	
Ceres	14
Modesto	15
Newman	10
Oakdale	15
Patterson	20
Riverbank	18
Turlock	19
County percentage	15
Sutter	
Live Oak	17
Yuba City	17
County percentage	17
Tehama	
Corning	26
Red Bluff	39
Tehama	10
County percentage	31
Tulare	
Dinuba	21
Exeter	23
Lindsay	24
Porterville	26
Tulare	20
Visalia	17
Woodlake	15
County percentage	21
Tuolumne	
Sonora	23
County percentage	23
Ventura	
Fillmore	16
Ojai	16
Oxnard	16
Port Hueneme	16
Santa Paula	16
Ventura	16
County percentage	16
Yolo	
Davis	22
Winters	19
Woodland	20
County percentage	20
Yuba	
Marysville	15
Wheatland	38
County percentage	15

In any county for which a county percentage is set forth in the above schedule and which contains a city which is not listed or which is hereafter created, there shall be transferred to the county general fund the county percentage. In any county for which no county percentage is set forth, and in which a city is hereafter created, there shall be transferred to the county general fund 15 percent.

A county and a city therein may, by mutual agreement, adjust the percentages herein.

(d) Once a month there shall be transferred to each city in the county an amount equal to the total sum remaining after the transfers provided for in subparagraphs (b) and (c) above have been made of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other per-

sons employed by such city or arrests made by state officers for misdemeanor violations of the Vehicle Code.

(2) Any money deposited with such court or with the clerk thereof which, by order of the court or for any other reason, should be returned in whole or in part to any person, or which is by law payable to the state or to any other public agency, shall be paid to such person or to the state or to such other public agency by warrant of the county auditor, which shall be drawn upon the requisition of the clerk of such court.

All money deposited as bail which has not been claimed within one year after the final disposition of the case in which such money was deposited, or within one year after an order made by the court for the return or delivery of such money to any person, shall be apportioned between the city and the county and paid or transferred in the manner hereinabove provided for the apportionment and payment of fines and forfeitures. This paragraph shall control over any conflicting provisions of law.

CHAPTER 962

An act to amend Sections 46871, 46872, 46873, 46875, 46876, 46881, and 46887 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to grapefruit standardization.

[Approved by Governor July 28, 1967. Filed with Secretary of State July 28, 1967.]

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

SECTION 1. Section 46871 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

46871. Grapefruit shall be free from serious injury due to any cause. Injury which is due to any cause is serious if the skin (rind) is broken and the injury is not healed or if 20 percent or more of the pulp or edible portion of the grapefruit is bruised or damaged.

SEC. 2. Section 46872 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

46872. Grapefruit shall be free from serious scars, including scars which are caused by insects. Scars, including those which are caused by insects, are serious (a) that are very deep; or scars which are very rough or very dark and aggregate more than one inch in diameter, (b) that are dark, rough or deep and aggregate more than 5 percent of the fruit surface, (c) that are fairly light in color, slightly rough or of slight depth and aggregate more than 15 percent of the fruit surface, (d) that are light-colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface.

SEC. 3. Section 46873 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

46873. Grapefruit shall be free from serious scale. Scale is serious when concentrated as a ring or blotch one inch or more in diameter, or which is more than thinly scattered over the fruit surface, or any scale which affects the appearance of the fruit to a greater extent.

SEC. 4. Section 46875 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

46875. Grapefruit shall be free from serious staining. Staining of the skin (rind) is serious if 50 percent or more of the fruit surface in the aggregate is affected with a discoloration.

SEC. 5. Section 46876 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

46876. Grapefruit shall be free from serious greenish or brownish rind oil spots. Greenish or brownish rind oil spots are serious if they cover an aggregate area of 10 percent or more of the fruit surface.

SEC. 7. Section 46881 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

46881. Grapefruit shall be free from serious sunburn which causes decided flattening of the fruit, drying or dark discoloration of the skin, or which affects more than one-third of the fruit surface.

SEC 8. Section 46887 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

46887. The following tolerances which are to be applied to certain of the standards that are prescribed by this article are established by this section:

(a) The grapefruit in any one container or bulk lot, as a whole, meet the requirements which are prescribed by Section 46869 and Sections 46871 to 46882, inclusive, if not over 10 percent, by count, of the individual grapefruit in such container or bulk lot are below such standards, and if not over 5 percent, by count, of such grapefruit are below any one of such standards.

An additional tolerance of 15 percent by count shall be permitted for grapefruit below the requirements of subdivision (d) of Section 46872.

(b) The grapefruit in any one container or bulk lot, as a whole, meet the requirements which are prescribed by Section 46870 if not more than 15 percent, by count, of the individual grapefruit in such container or bulk lot are seriously damaged by freezing or drying due to any cause, but not to exceed one-third of this tolerance shall be allowed for very serious damage which is by freezing or drying due to any cause. Damage by freezing or drying due to any cause is very serious if 40 percent or more of the pulp or edible portion of the grapefruit shows evidence of drying or a mushy condition. Evidence of damage shall be determined by as many cuts of each individual grapefruit as are necessary.

CHAPTER 963

An act to add Section 12427 to, and to add Article 2.5 (commencing with Section 12020) to Chapter 1 of Part 2 of Division 3 of Title 2 of, the Government Code, to amend and renumber Section 30476 of, to repeal Sections 13309, 13310, 13407, 13804, 15112, 15113, 15208, 15424, 30016, 30107, 30433 and 30475 of, to repeal Article 5 (commencing with Section 17181) of Chapter 3 of Part 10 of Division 2 and Article 2 (commencing with Section 30115) and Article 3 (commencing with Section 30121) of Chapter 2 of Part 13 of Division 2 of, to add Sections 6359.4, 13309, 15112, 17041.1, 17054, 17055, 17056, 17057, 17058, 17059, 17060, 17123, 18412.5, 18413, 18414, 18416, 18435, 18551.2, 18556, 18557, 18602, 18681.3, 18685.1, 18685.3, 18685.5, 18685.7, 18685.9, 18696, 19051.1, 19053.1, 19062.11, 19062.14, 19355.1, 25931.3, 30107, 30475 and 30476 to, and to add Part 10.5 (commencing with Section 19501) to Division 2 of, to add Article 2 (commencing with Section 30121) and Article 3 (commencing with Section 30131) to Chapter 2 of Part 13 of Division 2 of, and to add Chapter 7.5 (commencing with Section 30436) to Part 13 of Division 2 of, and to amend Sections 6051, 6052.5, 6201, 6471, 13404, 13405, 13106, 13803, 14793, 14791, 15205, 15206, 15207, 15401, 15423, 17041, 17042, 17048, 17053, 17073, 17139, 17150, 17253, 17262, 17556, 17733, 17737, 17739, 17761, 17854, 18152, 18162, 18401, 18402, 18403, 18405, 18405.5, 18410.6, 18411, 18431, 18433, 23151, 23184, 23186, 23333, 23501, 23771, 25553, 25563, 25952, 25953, 25954, 30008, 30014, 30015, 30101, 30102, 30102.5, 30106, 30140, 30142, 30166, 30167, 30168, 30170, 30181, 30182, 30183, 30186, 30187, 30202, 30221, 30223, 30366, 30431, 30432, 30454, 30462 and 32201 of, the Revenue and Taxation Code, relating to taxation, and making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 29, 1967. Filed with Secretary of State July 29, 1967.]

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

SECTION 1. Section 6051 of the Revenue and Taxation Code is amended to read:

6051. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of 2½ percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this state on or after August 1, 1933, and to and including June 30, 1935, and at the rate of 3 percent thereafter, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent thereafter.

SEC. 2. Section 6051 of the Revenue and Taxation Code is amended to read:

6051. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of 2½ percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this state on or after August 1, 1933, and to and including June 30, 1935, and at the rate of 3 percent thereafter, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including the day preceding the operative date of the amendments to this section by Section 2 of Senate Bill No. 556 of the 1967 Regular Session of the Legislature and at the rate of 3½ percent on and after such date and to and including June 30, 1968, and at the rate of 3 percent thereafter.

SEC. 3. Section 6052.5 of the Revenue and Taxation Code is amended to read:

6052.5. The board shall prepare sales tax reimbursement schedules showing the total amount that may be collected by the retailer from a consumer in reimbursement of the sales tax, computed on each sales price, from one cent ($0.01) to and including one hundred dollars ($100), at the 4-percent rate, and at the 5-percent rate. The schedules shall be identical with the following tables up to the amounts specified therein:

4 percent		5 percent	
Price	Tax	Price	Tax
.01–.12	.00	.01– .10	.00
.13–.34	.01	.11– .27	.01
.35–.59	.02	.28– .47	.02
.60–.87	.03	.48– .68	.03
		.69– .89	.04
		.90–1.09	.05

The remainder of the schedules shall show amounts of reimbursement computed by applying the applicable tax rate to the sales price, rounded off to the nearest cent by eliminating any fraction less than one-half cent and increasing any fraction of one-half cent or over to the next higher cent.

The "sales tax reimbursement schedule" shall be available for inspection and duplication or reproduction.

Each retailer who collects amounts from a consumer in reimbursement of the sales tax shall use the appropriate schedule prepared by the board in computing the amount of the reimbursement, based upon the sales price of the item sold where one item is sold, and where more than one item is sold in any one transaction, upon the sum of the aggregate sales prices of the items sold, or he shall include in the sales price of each item an amount of reimbursement computed to the nearest mill at the applicable tax rate and post a notice in his premises stating that each posted or advertised price includes

reimbursement so computed. When both taxable and nontaxable items are included in the same transaction, the foregoing requirement regarding computation of tax reimbursement upon the sum of the aggregate sales prices shall apply only if the purchaser requests at the time of the sale that the computation be made in this way.

The board shall enforce the provisions of this section.

SEC. 4. Section 6052.5 of the Revenue and Taxation Code is amended to read:

6052.5. The board shall prepare sales tax reimbursement schedules showing the total amount that may be collected by the retailer from a consumer in reimbursement of the sales tax, computed on each sales price, from one cent ($0.01) to and including one hundred dollars ($100), at the 3½-percent rate and at the 4½-percent rate for the period between the effective date of this section and June 30, 1968, inclusive, and thereafter at the 3-percent rate, and at the 4-percent rate. The schedules shall be identical with the following tables up to the amounts specified therein:

3½ percent		4½ percent	
Price	Tax	Price	Tax
.01– .13	.00	.01– .12	.00
.14– .40	.01	.13– .30	.01
.41– .68	.02	.31– .51	.02
.69– .99	.03	.52– .77	.03
1.00–1.24	.04	.78– .99	.04
		1.00–1.22	.05

3 percent		4 percent	
Price	Tax	Price	Tax
.01– .13	.00	.01–.12	.00
.14– .46	.01	.13–.34	.01
.47– .79	.02	.35–.59	.02
.80–1.16	.03	.60–.87	.03

The remainder of the schedules shall show amounts of reimbursement computed by applying the applicable tax rate to the sales price, rounded off to the nearest cent by eliminating any fraction less than one-half cent and increasing any fraction of one-half cent or over to the next higher cent.

The "sales tax reimbursement schedule" shall be available for inspection and duplication or reproduction.

Each retailer who collects amounts from a consumer in reimbursement of the sales tax shall use the appropriate schedule prepared by the board in computing the amount of the reimbursement, based upon the sales price of the item sold where one item is sold, and where more than one item is sold in any one transaction, upon the sum of the aggregate sales prices of the items sold, or he shall include in the sales price of each item an amount of reimbursement computed to the nearest mill at the applicable tax rate and post a notice in his

premises stating that each posted or advertised price includes reimbursement so computed. When both taxable and nontaxable items are included in the same transaction, the foregoing requirement regarding computation of tax reimbursement upon the sum of the aggregate sales prices shall apply only if the purchaser requests at the time of the sale that the computation be made in this way.

The board shall enforce the provisions of this section.

SEC. 5. Section 6201 of the Revenue and Taxation Code is amended to read:

6201. An excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property purchased from any retailer on or after July 1, 1935, for storage, use, or other consumption in this state at the rate of 3 percent of the sales price of the property, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent thereafter.

SEC. 6. Section 6201 of the Revenue and Taxation Code is amended to read:

6201. An excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property purchased from any retailer on or after July 1, 1935, for storage, use, or other consumption in this state at the rate of 3 percent of the sales price of the property, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including the day preceding the operative date of the amendments to this section by Section 6 of Senate Bill No. 556 of the 1967 Regular Session of the Legislature and at the rate of 3½ percent on and after such date and to and including June 30, 1968, and at the rate of 3 percent thereafter.

SEC. 7. Section 6359.4 is added to the Revenue and Taxation Code, to read:

6359.4. Any vending machine operator is a consumer of, and shall not be considered a retailer of, tangible personal property which sells at retail for ten cents ($0.10) or less and which is actually sold through a vending machine.

SEC. 8. Section 6471 of the Revenue and Taxation Code is amended to read:

6471. Upon written notification by the board, any person whose estimated measure of tax liability under this part averages seventeen thousand dollars ($17,000) or more per month, as determined by the board, shall, without regard to the measure of tax in any one month, prepay not less than 90 percent of the amount of state tax liability for each of the first two monthly periods of each quarterly period. Persons engaged in their present business during all of the corresponding quarterly period of the preceding year, or persons who are successors to a business which was in operation during all of that

quarterly period, may satisfy the above prepayment requirement by payment of not less than 45 percent of the tax imposed by this part with respect to the measure of tax liability reported on the return or returns filed for that quarterly period. Prepayment shall be made during the quarterly period designated by the board and during each succeeding quarterly period until further notified in writing by the board.

SEC. 9. Section 13309 of the Revenue and Taxation Code is repealed.

SEC. 10. Section 13309 is added to the Revenue and Taxation Code, to read:

13309. "Class C transferee" means any transferee who is not a class A or B transferee.

SEC. 11. Section 13310 of the Revenue and Taxation Code is repealed.

SEC. 12. Section 13404 of the Revenue and Taxation Code is amended to read:

13404. In the case of a transfer to a class A transferee, the rates of tax are as follows:

(a) Three percent of the clear market value of the property transferred up to twenty-five thousand dollars ($25,000).

(b) Four percent of the excess value over twenty-five thousand dollars ($25,000) and up to fifty thousand dollars ($50,000).

(c) Six percent of the excess value over fifty thousand dollars ($50,000) and up to one hundred thousand dollars ($100,000).

(d) Eight percent of the excess value over one hundred thousand dollars ($100,000) and up to two hundred thousand dollars ($200,000).

(e) Ten percent of the excess value over two hundred thousand dollars ($200,000) and up to three hundred thousand dollars ($300,000).

(f) Twelve percent of the excess value over three hundred thousand dollars ($300,000) and up to four hundred thousand dollars ($400,000).

(g) Fourteen percent of the excess value over four hundred thousand dollars ($400,000).

SEC. 13. Section 13405 of the Revenue and Taxation Code is amended to read:

13405. In the case of a transfer to a class B transferee the rates of tax are as follows:

(a) Six percent of the clear market value of the property transferred up to twenty-five thousand dollars ($25,000).

(b) Ten percent of the excess value over twenty-five thousand dollars ($25,000) and up to fifty thousand dollars ($50,000).

(c) Twelve percent of the excess value over fifty thousand dollars ($50,000) and up to one hundred thousand dollars ($100,000).

(d) Fourteen percent of the excess value over one hundred thousand dollars ($100,000) and up to two hundred thousand dollars ($200,000).

(e) Sixteen percent of the excess value over two hundred thousand dollars ($200,000) and up to three hundred thousand dollars ($300,000).

(f) Eighteen percent of the excess value over three hundred thousand dollars ($300,000) and up to four hundred thousand dollars ($400,000).

(g) Twenty percent of the excess value over four hundred thousand dollars ($400,000).

SEC. 14. Section 13406 of the Revenue and Taxation Code is amended to read:

13406. In the case of a transfer to a class C transferee, the rates of tax are as follows:

(a) Ten percent of the clear market value of the property transferred up to twenty-five thousand dollars ($25,000).

(b) Fourteen percent of the excess value over twenty-five thousand dollars ($25,000) and up to fifty thousand dollars ($50,000).

(c) Sixteen percent of the excess value over fifty thousand dollars ($50,000) and up to one hundred thousand dollars ($100,000).

(d) Eighteen percent of the excess value over one hundred thousand dollars ($100,000) and up to two hundred thousand dollars ($200,000).

(e) Twenty percent of the excess value over two hundred thousand dollars ($200,000) and up to three hundred thousand dollars ($300,000).

(f) Twenty-two percent of the excess value over three hundred thousand dollars ($300,000) and up to four hundred thousand dollars ($400,000).

(g) Twenty-four percent of the excess value over four hundred thousand dollars ($400,000).

SEC. 15. Section 13407 of the Revenue and Taxation Code is repealed.

SEC. 16. Section 13803 of the Revenue and Taxation Code is amended to read:

13803. Property of the clear market value of three hundred dollars ($300) transferred to any class C transferee is exempt from the tax imposed by this part.

SEC. 17. Section 13804 of the Revenue and Taxation Code is repealed.

SEC. 18. Section 14793 of the Revenue and Taxation Code is amended to read:

14793. With the exception of such money as he may pay out from time to time pursuant to this part, the county treasurer shall pay to the State Treasurer all money received by him under this part within 15 days after the receipt of the money. The county treasurer shall submit with the payment a statement in such form and containing such particulars, in-

cluding the name of the estate, if any, from which the money was received, as the Controller shall prescribe.

SEC. 19. Section 14794 of the Revenue and Taxation Code is amended to read:

14794. On all money received by him under this part which he does not pay to the State Treasurer within 15 days after receipt, the county treasurer shall pay interest at the rate of 10 percent per annum.

SEC. 20. Section 15112 of the Revenue and Taxation Code is repealed.

SEC. 21. Section 15112 is added to the Revenue and Taxation Code, to read:

15112. "Class C donee" means any donee who is not a class A or B donee.

SEC. 22. Section 15113 of the Revenue and Taxation Code is repealed.

SEC. 23. Section 15205 of the Revenue and Taxation Code is amended to read:

15205. In the case of a transfer to a class A donee, the rates of tax are as follows:

(a) Three percent of the clear market value of the property transferred up to twenty-five thousand dollars ($25,000).

(b) Four percent of the excess value over twenty-five thousand dollars ($25,000) and up to fifty thousand dollars ($50,000).

(c) Six percent of the excess value over fifty thousand dollars ($50,000) and up to one hundred thousand dollars ($100,000).

(d) Eight percent of the excess value over one hundred thousand dollars ($100,000) and up to two hundred thousand dollars ($200,000).

(e) Ten percent of the excess value over two hundred thousand dollars ($200,000) and up to three hundred thousand dollars ($300,000).

(f) Twelve percent of the excess value over three hundred thousand dollars ($300,000) and up to four hundred thousand dollars ($400,000).

(g) Fourteen percent of the excess value over four hundred thousand dollars ($400,000).

SEC. 24. Section 15206 of the Revenue and Taxation Code is amended to read:

15206. In the case of a transfer to a class B donee, the rates of tax are as follows:

(a) Six percent of the clear market value of the property transferred up to twenty-five thousand dollars ($25,000).

(b) Ten percent of the excess value over twenty-five thousand dollars ($25,000) and up to fifty thousand dollars ($50,000).

(c) Twelve percent of the excess value over fifty thousand dollars ($50,000) and up to one hundred thousand dollars ($100,000).

(d) Fourteen percent of the excess value over one hundred thousand dollars ($100,000) and up to two hundred thousand dollars ($200,000).

(e) Sixteen percent of the excess value over two hundred thousand dollars ($200,000) and up to three hundred thousand dollars ($300,000).

(f) Eighteen percent of the excess value over three hundred thousand dollars ($300,000) and up to four hundred thousand dollars ($400,000).

(g) Twenty percent of the excess value over four hundred thousand dollars ($400,000).

SEC. 25. Section 15207 of the Revenue and Taxation Code is amended to read:

15207. In the case of a transfer to a class C donee, the rates of tax are as follows:

(a) Ten percent of the clear market value of the property transferred up to twenty-five thousand dollars ($25,000).

(b) Fourteen percent of the excess value over twenty-five thousand dollars ($25,000) and up to fifty thousand dollars ($50,000).

(c) Sixteen percent of the excess value over fifty thousand dollars ($50,000) and up to one hundred thousand dollars ($100,000).

(d) Eighteen percent of the excess value over one hundred thousand dollars ($100,000) and up to two hundred thousand dollars ($200,000).

(e) Twenty percent of the excess value over two hundred thousand dollars ($200,000) and up to three hundred thousand dollars ($300,000).

(f) Twenty-two percent of the excess value over three hundred thousand dollars ($300,000) and up to four hundred thousand dollars ($400,000).

(g) Twenty-four percent of the excess value over four hundred thousand dollars ($400,000).

SEC. 26. Section 15208 of the Revenue and Taxation Code is repealed.

SEC. 27. Section 15401 of the Revenue and Taxation Code is amended to read:

15401. In addition to the specific exemption, property in the aggregate amount of three thousand dollars ($3,000) transferred from any donor to any donee in any calendar year is exempt from the tax imposed by this part.

SEC. 28. Section 15423 of the Revenue and Taxation Code is amended to read:

15423. Property of the clear market value of three hundred dollars ($300) transferred to any class C donee is exempt from the tax imposed by this part.

SEC. 29. Section 15424 of the Revenue and Taxation Code is repealed.

SEC. 30. Section 17041 of the Revenue and Taxation Code is amended to read:

17041. (a) There shall be imposed for each taxable year upon the entire taxable income of every resident of this state and upon the entire taxable income of every nonresident which is derived from sources within this state, except the head of a household as defined in Section 17042, taxes in the following amounts and at the following rates upon the amount of taxable income.

If the taxable income is:	The tax is:
Not over $2,000	1% of the taxable income
Over $2,000 but not over $3,500	$20 plus 2% of excess over $2,000
Over $3,500 but not over $5,000	$50 plus 3% of excess over $3,500
Over $5,000 but not over $6,500	$95 plus 4% of excess over $5,000
Over $6,500 but not over $8,000	$155 plus 5% of excess over $6,500
Over $8,000 but not over $9,500	$230 plus 6% of excess over $8,000
Over $9,500 but not over $11,000	$320 plus 7% of excess over $9,500
Over $11,000 but not over $12,500	$425 plus 8% of excess over $11,000
Over $12,500 but not over $14,000	$545 plus 9% of excess over $12,500
Over $14,000	$680 plus 10% of excess over $14,000

(b) There shall be imposed for each taxable year upon the entire taxable income of every resident of this state and upon the entire taxable income of every nonresident which is derived from sources within this state, when such resident or nonresident is the head of a household, as defined in Section 17042, taxes in the following amounts and at the following rates upon the amount of taxable income:

If the taxable income is:	The tax is:
Not over $3,000	1% of the taxable income
Over $3,000 but not over $4,500	$30 plus 2% of excess over $3,000
Over $4,500 but not over $6,000	$60 plus 3% of excess over $4,500
Over $6,000 but not over $7,500	$105 plus 4% of excess over $6,000
Over $7,500 but not over $9,000	$165 plus 5% of excess over $7,500
Over $9,000 but not over $10,500	$240 plus 6% of excess over $9,000

If the taxable income is:	The tax is:
Over $10,500 but not over $12,000	$330 plus 7% of excess over $10,500
Over $12,000 but not over $13,500	$435 plus 8% of excess over $12,000
Over $13,500 but not over $15,000	$555 plus 9% of excess over $13,500
Over $15,000	$690 plus 10% of excess over $15,000

(c) The tax imposed by this part is not a surtax.

SEC. 31. Section 17041.1 is added to the Revenue and Taxation Code, to read:

17041.1. If the amount of tax otherwise due under Section 17041 after deducting the credits allowable under this part is one dollar ($1) or less, an additional credit in the amount of the tax due may be claimed. In no case, however, may the credit exceed one dollar ($1) regardless of whether a single, joint, estate or trust return is filed.

SEC. 32. Section 17042 of the Revenue and Taxation Code is amended to read:

17042. For purposes of this part, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of his taxable year, and either—

(a) Maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of—

(1) A son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or descendant is married at the close of the taxpayer's taxable year, only if the taxpayer is entitled to a credit for such person under subdivision (c) of Section 17054; or

(2) Any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a credit for the taxable year for such person under subdivision (c) of Section 17054.

For purposes of this section, an individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual, or,

(b) Maintains a household which constitutes for such taxable year the principal place of abode of the father or mother of the taxpayer, if the taxpayer is entitled to a credit for the taxable year for such father or mother under subdivision (c) of Section 17054.

SEC. 51. Section 17048 of the Revenue and Taxation Code is amended to read:

17048. (a) In lieu of the tax imposed under Section 17041, resident individuals with an adjusted gross income of less than ten thousand dollars ($10,000) who have elected to pay the optional tax imposed by this section shall compute their taxes

under optional tax tables promulgated by regulation by the Franchise Tax Board. Such tax tables shall reflect the tax imposed under Section 17041 in income progressions of not less than fifty dollars ($50), giving effect to the marital or other status of the individual.

(b) For the purpose of this section—

(1) "Married person" means a married person on the last day of the taxable year unless his spouse dies during the taxable year, in which case such determination shall be made as of the date of the spouse's death.

(2) "Dependent" means a person who is a dependent under Section 17056.

(3) An individual not a head of a household or a married person shall be treated as a single person.

SEC. 52. Section 17053 of the Revenue and Taxation Code is amended to read:

17053. (a) In the case of an individual who has received earned income before the beginning of the taxable year, there shall be allowed as a credit against the tax imposed by this part for the taxable year an amount equal to the amount received by such individual as retirement income (as defined in subdivision (c) and as limited by subdivision (d)), multiplied by the rate provided in Section 17041 for the first two thousand dollars ($2,000) of taxable income; but the credit provided by this section shall not exceed the tax imposed under this part reduced by the credit allowable under Chapter 12 (relating to taxes paid to other states) and the credit allowable under Section 17054 (relating to credits for personal exemptions).

(b) For purposes of subdivision (a), an individual shall be considered to have received earned income if he has received, in each of any 10 calendar years before the taxable year, earned income, as defined in subdivision (g), in excess of six hundred dollars ($600). A widow or widower whose spouse had received such earned income shall be considered to have received earned income.

(c) For purposes of subdivision (a), the term "retirement income" means—

(1) In the case of an individual who has attained the age of 65 before the close of the taxable year, income from—

(A) Pensions and annuities,

(B) Interest,

(C) Rents, and

(D) Dividends, or

(2) In the case of an individual who has not attained the age of 65 before the close of the taxable year, income from pensions and annuities under a public retirement system (as defined in subdivision (f)), to the extent included in gross income without reference to this section, but only to the extent such income does not represent compensation for personal services rendered during the taxable year.

(d) For purposes of subdivision (a), the amount of retirement income shall not exceed one thousand five hundred twenty-four dollars ($1,524) less—

(1) In the case of any individual, any amount received by the individual as a pension or annuity—

(A) Under Title II of the Social Security Act,

(B) Under the Railroad Retirement Acts of 1935 or 1937, or

(C) Otherwise excluded from gross income, and

(2) In the case of any individual who has not attained the age of 72 before the close of the taxable year—

(A) If such individual has not attained age 62 before the close of the taxable year, any amount of earned income (as defined in subdivision (g)) in excess of nine hundred dollars ($900) received by the individual in the taxable year—

(B) If such individual has attained age 62 before the close of the taxable year, the sum of (i) one-half the amount of earned income received by such individual in the taxable year in excess of one thousand two hundred dollars ($1,200) but not in excess of one thousand seven hundred dollars ($1,700), and (ii) the amount of earned income so received in excess of one thousand seven hundred dollars ($1,700).

(e) Subdivision (d)(1) shall not apply to any amount excluded from gross income under Sections 17101 to 17108, inclusive (relating to annuities), 17131 to 17135, inclusive (relating to life insurance proceeds), 17138 (relating to compensation for injuries or sickness), 17139 (relating to amounts received under accident and health plans), 17503 to 17507, inclusive, (relating to taxability of beneficiary of employees' trust), or 17511 and 17512 (relating to taxation of employee annuities).

(f) For purposes of subdivision (c)(2), the term "public retirement system" means a pension, annuity, retirement, or similar fund or system established by the United States, a state, a territory, a possession of the United States, any political subdivision of any of the foregoing, or the District of Columbia.

(g) For purposes of subdivision (b) and (d)(2), the term "earned income" has the meaning assigned to such term in Section 911(b) of the Internal Revenue Code of 1954, except that such term does not include any amount received as a pension or annuity.

(h) (1) A husband and wife who make a joint return for the taxable year and both of whom have attained the age of 65 before the close of the taxable year may elect (at such time and in such manner as the Franchise Tax Board by regulations prescribes) to determine the amount of the credit allowed by subdivision (a) by applying the provisions of paragraph (2).

(2) If an election is made under paragraph (1) for the taxable year, for purposes of subdivision (a)—

(A) If either spouse is an individual who has received earned income within the meaning of subdivision (b), the other spouse shall be considered to be an individual who has re-

ceived earned income within the meaning of such subdivision; and

(B) Subdivision (d) shall be considered as providing that the amount of the combined retirement income of both spouses shall not exceed two thousand two hundred eighty-six dollars ($2,286), less the sum of the amounts specified in paragraphs (1) and (2) of subdivision (d) for each spouse.

(i) No credit shall be allowed under subdivision (a) to any nonresident.

SEC. 53. Section 17054 is added to the Revenue and Taxation Code, to read:

17054. In the case of individuals computing their tax under Section 17041 or Section 17048, the following credits for personal exemption may be deducted from the tax imposed.

(a) In the case of a single individual, a credit of twenty-five dollars ($25).

(b) In the case of a head of household or a married individual, a credit of fifty dollars ($50). A husband and wife shall receive but one credit for personal exemption of fifty dollars ($50). If the husband and wife make separate returns, the credit may be taken by either or divided between them. If one spouse was a resident for the entire taxable year and the other spouse was a nonresident for all or any portion of the taxable year, the personal exemption shall be divided equally and the portion deductible by the nonresident shall be determined under Section 17055. The preceding sentence shall not apply to a nonresident active member of the armed forces of the United States or any auxiliary branch thereof and his or her spouse.

(c) Except as provided in Section 17057(e), a credit of eight dollars ($8) for each dependent (as defined in Section 17056)—

(1) Whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than six hundred dollars ($600), or

(2) Who is a child of the taxpayer and who (A) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (B) is a student.

(3) No exemption shall be allowed under this subdivision for any dependent who has made a joint return with his spouse under Section 18402 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

(4) For purposes of paragraph (2), the term "child" means an individual who (within the meaning of Section 17056) is a son, stepson, daughter or stepdaughter of the taxpayer.

(5) For purposes of paragraph (2)(B), the term "student" means an individual who during each of five calendar months during the calendar year in which the taxable year of the taxpayer begins—

(A) Is a full-time student at an educational institution; or

(B) Is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational institution or of a state or political subdivision of a state.

For purposes of this paragraph, the term "educational institution" means only an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on.

(d) A credit for personal exemption of eight dollars ($8) for the taxpayer if he is blind at the close of his taxable year.

(e) A credit for personal exemption of eight dollars ($8) for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(f) For the purposes of this section, an individual is blind only if either: his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

SEC. 54. Section 17055 is added to the Revenue and Taxation Code, to read:

17055. (a) Any individual, other than an active member of the armed forces of the United States or any auxiliary branch thereof, and his or her spouse, who is a nonresident for all or any portion of the taxable year shall deduct the minimum standard deduction provided by Section 17171 and the credits for personal exemptions set forth in this chapter, in the proportion that such individual's adjusted gross income from California sources bears to his adjusted gross income from all sources.

(b) An individual subject to the provisions of subdivision (a) must apportion the deduction provided for by Section 17171, regardless of the amount of his adjusted gross income, and shall not be permitted to determine his tax under the tax tables provided in Section 17048.

SEC. 55. Section 17056 is added to the Revenue and Taxation Code, to read:

17056. For the purposes of this part, the term "dependents" means any of the following individuals over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer (or is treated under Section 17058 as received from the taxpayer):

(a) A son or daughter of the taxpayer, or a descendant of either;

(b) A stepson or stepdaughter of the taxpayer;

(c) A brother, sister, stepbrother, or stepsister of the taxpayer;

(d) The father or mother of the taxpayer or an ancestor of either;

(e) A stepfather or stepmother of the taxpayer;

(f) A son or daughter of a brother or sister of the taxpayer;

(g) A brother or sister of the father or mother of the taxpayer;

(h) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer;

(i) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to Section 17060, of the taxpayer) who, for the taxable year of the taxpayer, has as his principal place of abode the home of the taxpayer and is a member of the taxpayer's household; or

(j) An individual who—

(1) Is a descendant of a brother or sister of the father or mother of the taxpayer,

(2) For the taxable year of the taxpayer receives institutional care required by reason of a physical or mental disability, and

(3) Before receiving such institutional care, was a member of the same household as the taxpayer.

SEC. 56. Section 17057 is added to the Revenue and Taxation Code, to read:

17057. For purposes of Section 17056—

(a) The terms "brother" and "sister" include a brother or sister by the half blood.

(b) In determining whether any of the relationships specified in Section 17056 or subdivision (a) of this section exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual) shall be treated as a child of such individual by blood.

(c) The term "dependent" does not include any individual who is not a citizen of the United States unless such individual is a resident of the United States, of a country contiguous to the United States, of the Canal Zone, or of the Republic of Panama. The preceding sentence shall not exclude from the definition of "dependent" any child of the taxpayer—

(1) Born to him, or legally adopted by him, in the Philippine Islands before January 1, 1956, if the child is a resident of the Republic of the Philippines, and if the taxpayer was a member of the armed forces of the United States at the time the child was born to him or legally adopted by him, or

(2) Legally adopted by him, if, for the taxable year of the taxpayer, the child has as his principal place of abode the home

of the taxpayer and is a member of the taxpayer's household, and if the taxpayer is a citizen of the United States.

(d) A payment to a wife which is includible in the gross income of the wife under Section 17081 or 17819 shall not be treated as a payment by her husband for the support of any dependent.

(e) If the taxpayer would not occupy the status of head of a household except by reason of their being one or more dependents for whom he would be entitled to claim a deduction under Section 17054, the deduction shall be disallowed with respect to one of the dependents.

(f) An individual is not a member of the taxpayer's household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law.

SEC. 57. Section 17058 is added to the Revenue and Taxation Code, to read:

17058. For purposes of Section 17056 over half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

(a) No one person contributed over half of such support;

(b) Over half of such support was received from persons each of whom, but for the fact that he did not contribute over half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year;

(c) The taxpayer contributed over 10 percent of such support; and

(d) Each person described in subdivision (b) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Franchise Tax Board may by regulations prescribe) that he will not claim such individual as a dependent for any taxable year beginning in such calendar year.

SEC. 58. Section 17059 is added to the Revenue and Taxation Code, to read:

17059. For purposes of Section 17056, in the case of any individual who is—

(a) A son, stepson, daughter, or stepdaughter of the taxpayer (within the meaning of this chapter), and

(b) A student, amounts received as scholarships for study at an education institution (as defined in Section 17150(c)) shall not be taken into account in determining whether such individual received more than half of his support from the taxpayer.

SEC. 59. Section 17060 is added to the Revenue and Taxation Code, to read:

17060. For purposes of this part—

(a) The determination of whether an individual is married or is the head of a household shall be made as of the close of his taxable year; except that if an individual or his spouse

dies during his taxable year such determination shall be made as of the time of such death; and

(b) If an individual, his spouse, or in the case of head of household the dependent giving the taxpayer that status dies during the taxable year, such determination shall be made as of the date of death.

SEC. 60. Section 17073 of the Revenue and Taxation Code is amended to read:

17073. (a) Except as provided in subdivision (b), for purposes of this part the term "taxable income" means gross income, minus the deductions allowed by this part, other than the standard deduction allowed by Article 4 (Section 17171 and following).

(b) In the case of an individual electing under Sections 17174 and 17175 to use the standard deduction provided in Article 4 (Section 17171 and following), for purposes of this part the term "taxable income" means adjusted gross income, minus such standard deduction.

SEC. 60.5. Section 17123 is added to the Revenue and Taxation Code, to read:

17123. (a) Amounts received with respect to the services of a child shall be included in the gross income of the child and not in the gross income of the parent, even though such amounts are not received by the child.

(b) All expenditures by the parent or the child attributable to amounts which are includable in the gross income of the child (and not of the parent) solely by reason of subdivision (a) shall be treated as paid or incurred by the child.

(c) For purposes of this section, the term "parent" includes an individual who is entitled to the services of a child by reason of having parental rights and duties with respect to the child.

SEC. 61. Section 17139 of the Revenue and Taxation Code is amended to read:

17139. (a) Except as otherwise provided in this section, amounts received by an employee through accident or health insurance for personal injuries or sickness shall be included in gross income to the extent such amounts (1) are attributable to contributions by the employer which were not includable in the gross income of the employee, or (2) are paid by the employer.

(b) Except in the case of amounts attributable to (and not in excess of) deductions allowed under Sections 17253 to 17258, inclusive (relating to medical, etc., expenses), for any prior taxable year, gross income does not include amounts referred to in subsection (a) if such amounts are paid, directly or indirectly, to the taxpayer to reimburse the taxpayer for expenses incurred by him for the medical care (as defined in Section 17257) of the taxpayer, his spouse, and his dependents (as defined in Sections 17054 to 17059, inclusive).

(c) Gross income does not include amounts referred to in subsection (a) to the extent such amounts—

(1) Constitute payment for the permanent loss or loss of use of a member or function of the body, or the permanent disfigurement, of the taxpayer, his spouse, or a dependent (as defined in Sections 17054 to 17059, inclusive), and

(2) Are computed with reference to the nature of the injury without regard to the period the employee is absent from work.

(d) Gross income does not include amounts referred to in subsection (a) if such amounts constitute wages or payments in lieu of wages for a period during which the employee is absent from work on account of personal injuries or sickness; but this subsection shall not apply to the extent that such amounts exceed a weekly rate of one hundred dollars ($100). The preceding sentence shall not apply to amounts attributable to the first 30 calendar days in such period, if such amounts are at a rate which exceeds 75 percent of the regular weekly rate of wages of the employee (as determined under regulations prescribed by the Franchise Tax Board). If amounts attributable to the first 30 calendar days in such period are at a rate which does not exceed 75 percent of the regular weekly rate of wages of the employee, the first sentence of this subsection (1) shall not apply to the extent that such amounts exceed a weekly rate of seventy-five dollars ($75), and (2) shall not apply to amounts attributable to the first seven calendar days in such period unless the employee is hospitalized on account of personal injuries or sickness for at least one day during such period. If such amounts are not paid on the basis of a weekly pay period, the Franchise Tax Board shall by regulations prescribe the method of determining the weekly rate at which such amounts are paid.

(e) For purposes of this section and Section 17138—

(1) Amounts received under an accident or health plan for employees, and

(2) Amounts received from a sickness and disability fund for employees maintained under the law of a state, a territory, or the District of Columbia,

shall be treated as amounts received through accident or health insurance.

(f) For purposes of Section 17253 (relating to medical, dental, etc., expenses) amounts excluded from gross income under subsection (c) or (d) shall not be considered as compensation (by insurance or otherwise) for expenses paid for medical care.

SEC. 62. Section 17150 of the Revenue and Taxation Code is amended to read:

17150. (a) Gross income does not include—

(1) Any amount received—

(A) As a scholarship at an educational institution (as defined in subsection (c)); or

(B) As a fellowship grant;

including the value of contributed services and accommodations; and

(2) Any amount received to cover expenses for—
(A) Travel;
(B) Research;
(C) Clerical help; or
(D) Equipment;
which are incident to such a scholarship or to a fellowship grant, but only to the extent that the amount is so expended by the recipient.

(b) (1) In the case of an individual who is a candidate for a degree at an educational institution (as defined in subsection (c)), subsection (a) shall not apply to that portion of any amount received which represents payment for teaching, research, or other services in the nature of part-time employment required as a condition to receiving the scholarship or the fellowship grant. If teaching, research, or other services are required of all candidates (whether or not recipients of scholarships or fellowship grants) for a particular degree as a condition to receiving such degree, such teaching, research, or other services shall not be regarded as part-time employment within the meaning of this subsection.

(2) In the case of an individual who is not a candidate for a degree at an educational institution (as defined in subsection (c)), subsection (a) shall apply only if the condition in paragraph (A) is satisfied and then only within the limitations provided in paragraph (B).

(A) The grantor of the scholarship or fellowship grant is—

(i) An organization described in Section 23701d of the Bank and Corporation Tax Law which is exempt from tax under Section 23701 of the Bank and Corporation Tax Law,

(ii) A foreign government,

(iii) An international organization, or a binational or multinational educational and cultural foundation or commission created or continued pursuant to the Mutual Educational and Cultural Exchange Act of 1961, or

(iv) The United States, an instrumentality or agency thereof, or a state, a territory, or a possession of the United States, or any political subdivision thereof, or the District of Columbia.

(B) The amount of the scholarship or fellowship grant excluded under subsection (a)(1) in any taxable year shall be limited to an amount equal to three hundred dollars ($300) times the number of months for which the recipient received amounts under the scholarship or fellowship grant during such taxable year, except that no exclusion shall be allowed under subsection (a) after the recipient has been entitled to exclude under this section for a period of 36 months (whether or not consecutive) amounts received as a scholarship or fellowship grant while not a candidate for a degree at an educational institution (as defined in subsection (c)).

(c) For the purposes of this section and Section 17059, the term "educational institution" means only an educational

institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on.

SEC. 63. Article 5 (commencing with Section 17181 of Chapter 3 of Part 10 of Division 2 of the Revenue and Taxation Code is repealed.

SEC. 64. Section 17253 of the Revenue and Taxation Code is amended to read:

17253. There shall be allowed as a deduction the following amounts of the expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent (as defined in Section 17056):

(a) If neither the taxpayer nor his spouse has attained the age of 65 before the close of the taxable year—

(1) The amount of such expenses for the care of any dependent who—

(i) Is the mother or father of the taxpayer or of his spouse, and

(ii) Has attained the age of 65 before the close of the taxable year, and

(2) The amount by which such expenses for the care of the taxpayer, his spouse, and such dependents (other than any dependent described in subparagraph (1)) exceed 3 percent of the adjusted gross income.

(b) If either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year—

(1) The amount of such expenses for the care of the taxpayer and his spouse,

(2) The amount of such expenses for the care of any dependent described in paragraph (a)(1), and

(3) The amount by which such expenses for the care of such dependents (other than any dependent described in paragraph (a)(1)), exceed 3 percent of the adjusted gross income.

SEC. 65. Section 17262 of the Revenue and Taxation Code is amended to read:

17262. (a) There shall be allowed as a deduction expenses paid during the taxable year by a taxpayer who is a woman or widower, or is a husband whose wife is incapacitated or is institutionalized, for the care of one or more dependents (as defined in subsection (d)(1)), but only if such care is for the purpose of enabling the taxpayer to be gainfully employed.

(b) (1) (A) Except as provided in subparagraph (B), the deduction under subsection (a) shall not exceed six hundred dollars ($600) for any taxable year.

(B) The six-hundred-dollar ($600) limit of subparagraph (A) shall be increased (to an amount not above nine hundred dollars ($900)) by the amount of expenses incurred by the taxpayer for any period during which the taxpayer had two or more dependents.

(2) In the case of a woman who is married and in the case of a husband whose wife is incapacitated, the deduction under subsection (a)—

(A) Shall not be allowed unless the taxpayer and his spouse file a joint return for the taxable year, and

(B) Shall be reduced by the amount (if any) by which the adjusted gross income of the taxpayer and his spouse exceeds six thousand dollars ($6,000).

This paragraph shall not apply, in the case of a woman who is married, to expenses incurred while her husband is incapable of self-support because mentally or physically defective, or, in the case of a husband whose wife is incapacitated, to expenses incurred while his wife is institutionalized if such institutionalization is for a period of at least 90 consecutive days (whether or not within one taxable year) or a shorter period if terminated by her death.

(3) Subsection (a) shall not apply to any amount paid to an individual with respect to whom the taxpayer is allowed for his taxable year a credit under Section 17054 (relating to credits for personal exemptions).

(c) In the case of a husband whose wife is incapacitated or is institutionalized, the deduction under subsection (a) shall be allowed only for expenses incurred while the wife was incapacitated or institutionalized (as the case may be) for a period of at least 90 consecutive days (whether or not within one taxable year) or a shorter period if terminated by her death.

(d) For purposes of this section—

(1) The term "dependent" means a person with respect to whom the taxpayer is entitled to a credit under subdivision (c) of Section 17054—

(A) Who has not attained the age of 13 years and who (within the meaning of Sections 17056 to 17059, inclusive) is a son, stepson, daughter, or stepdaughter of the taxpayer; or

(B) Who is physically or mentally incapable of caring for himself.

(2) The term "widower" includes an unmarried individual who is legally separated from his spouse under a decree of divorce or of separate maintenance.

(3) A wife shall be considered incapacitated only (A) while she is incapable of caring for herself because mentally or physically defective, or (B) while she is institutionalized.

(4) A wife shall be considered institutionalized only while she is, for the purpose of receiving medical care or treatment, an inpatient, resident, or inmate of a public or private hospital, sanitarium, or other similar institution.

(5) A woman shall not be considered as married if—

(A) She is legally separated from her spouse under a decree of divorce or of separate maintenance at the close of the taxable year, or

(B) She has been deserted by her spouse, does not know his whereabouts (and has not known his whereabouts at any

time during the taxable year), and has applied to a court of competent jurisdiction for appropriate process to compel him to pay support or otherwise to comply with the law or a judicial order, as determined under regulations prescribed by the Franchise Tax Board.

SEC. 66. Section 17556 of the Revenue and Taxation Code is amended to read:

17556. If a return is made for a short period by reason of Section 17553(a) and if the tax is not computed under Section 17555, then the exemptions allowed as a credit under Section 17054 (and any credit in lieu thereof) shall be reduced to amounts which bear the same ratio to the full exemptions as the number of months in the short period bears to 12.

SEC. 67. Section 17733 of the Revenue and Taxation Code is amended to read:

17733. An estate shall be allowed a credit against the tax imposed of ten dollars ($10). A trust shall be allowed a credit against the tax imposed of one dollar ($1). The credits allowed by this section shall be in lieu of the credits allowed under Section 17054 (relating to credit for personal exemption).

SEC. 68. Section 17737 of the Revenue and Taxation Code is amended to read:

17737. If on the termination of an estate or trust, the estate or trust has—

(a) A capital loss carryover under Section 18152(b), or

(b) For the last taxable year of the estate or trust deductions (other than the deduction allowed under Section 17734) in excess of gross income for such year, then such carryover or such excess shall be allowed as a deduction, in accordance with regulations prescribed by the Franchise Tax Board, to the beneficiaries succeeding to the property of the estate or trust.

SEC. 69. Section 17739 of the Revenue and Taxation Code is amended to read:

17739. For purposes of this chapter, the term "distributable net income" means, with respect to any taxable year, the taxable income of the estate or trust computed with the following modifications:

(a) No deduction shall be taken under Sections 17751 and 17761 (relating to additional deductions).

(b) Gains from the sale or exchange of capital assets shall be excluded to the extent that such gains are allocated to corpus and are not (1) paid, credited, or required to be distributed to any beneficiary during the taxable year, or (2) paid, permanently set aside, or to be used for the purposes specified in Section 17734. Losses from the sale or exchange of capital assets shall be excluded, except to the extent such losses are taken into account in determining the amount of gains from the sale or exchange of capital assets which are paid, credited, or required to be distributed to any beneficiary during the taxable year. The deduction under Section 18151

(relating to deduction for excess of capital gains over capital losses) shall not be taken into account.

(c) For purposes only of Article 2 (relating to trusts which distribute current income only), there shall be excluded those items of gross income constituting extraordinary dividends or taxable stock dividends which the fiduciary, acting in good faith, does not pay or credit to any beneficiary by reason of his determination that such dividends are allocable to corpus under the terms of the governing instrument and applicable local law.

(d) There shall be included any tax-exempt interest to which Section 17137 applies, reduced by any amounts which would be deductible in respect of disbursements allocable to such interest but for the provisions of Section 17285 (relating to disallowance of certain deductions).

If the estate or trust is allowed a deduction under Section 17734, the amount of the modification specified in subdivision (d) shall be reduced to the extent that the amount of income which is paid, permanently set aside, or to be used for the purposes specified in Section 17734 is deemed to consist of items specified in subdivision (d). For this purpose, such amount shall (in the absence of specific provisions in the governing instrument) be deemed to consist of the same proportion of each class of items of income of the estate or trust as the total of each class bears to the total of all classes.

SEC. 70. Section 17761 of the Revenue and Taxation Code is amended to read:

17761. (a) In any taxable year there shall be allowed as a deduction in computing the taxable income of an estate or trust (other than a trust to which Article 2 applies), the sum of—

(1) Any amount of income for such taxable year required to be distributed currently (including any amount required to be distributed which may be paid out of income or corpus to the extent such amount is paid out of income for such taxable year); and

(2) Any other amounts properly paid or credited or required to be distributed for such taxable year;

but such deduction shall not exceed the distributable net income of the estate or trust.

(b) The amount determined under subsection (a) shall be treated as consisting of the same proportion of each class of items entering into the computation of distributable net income of the estate or trust as the total of each class bears to the total distributable net income of the estate or trust in the absence of the allocation of different classes of income under the specific terms of the governing instrument. In the application of the preceding sentence, the items of deduction entering into the computation of distributable net income shall be allocated among the items of distributable net income in accordance with regulations prescribed by the Franchise Tax Board.

(c) No deduction shall be allowed under subsection (a) in respect of any portion of the amount allowed as a deduction under that subsection (without regard to this subsection) which is treated under subsection (b) as consisting of any item of distributable net income which is not included in the gross income of the estate or trust.

SEC. 71. Section 17854 of the Revenue and Taxation Code is amended to read:

17854. (a) The taxable income of a partnership shall be computed in the same manner as in the case of an individual except that—

(1) The items described in Section 17852 shall be separately stated; and

(2) The following deductions shall not be allowed to the partnership:

(A) The standard deduction provided in Section 17171;

(B) The deduction for taxes provided in Section 17204(a) with respect to taxes, described in Section 18006, paid to another state;

(C) The deduction for charitable contributions provided in Sections 17214 to 17216, inclusive;

(D) The deduction for political contributions provided in Section 17234; and

(E) The additional itemized deductions for individuals provided in Article 7 of Chapter 3.

(b) Any election affecting the computation of taxable income derived from a partnership shall be made by the partnership.

SEC. 72. Section 18152 of the Revenue and Taxation Code is amended to read:

18152. (a) Losses from sales or exchanges of capital assets shall be allowed only to the extent of the gains from such sales or exchanges, plus the taxable income of the taxpayer or one thousand dollars ($1,000), whichever is smaller. For purposes of this subsection, taxable income shall be computed without regard to gains or losses from sales or exchanges of capital assets. If the taxpayer elects to pay the optional tax imposed by Section 17048, "taxable income" as used in this subsection shall be read as "adjusted gross income."

(b) If a taxpayer has a net capital loss for any taxable year beginning after December 31, 1963—

(A) The excess of the net short-term capital loss over the net long-term capital gain for such year shall be a short-term capital loss in the succeeding taxable year, and

(B) The excess of the net long-term capital loss over the net short-term capital gain for such year shall be a long-term capital loss in the succeeding taxable year.

For purposes of this paragraph, in determining such excesses an amount equal to the excess of the sum allowed for the taxable year under this section over the gains from sales or exchanges of capital assets (determined without regard to this

sentence) shall be treated as a short-term capital gain in such year.

(c) There shall be treated as a short-term capital loss in the first taxable year beginning after December 31, 1963, any amount which is treated as a short-term capital loss in such year under this part as in effect immediately before the effective date of the amendment of this section at the 1964 First Extraordinary Session of the Legislature.

SEC. 73. Section 18162 of the Revenue and Taxation Code is amended to read:

18162. For purposes of this part—

(a) The term "short-term capital gain" means gain from the sale or exchange of a capital asset held for not more than six months, if and to the extent such gain is taken into account in computing gross income.

(b) The term "short-term capital loss" means loss from the sale or exchange of a capital asset held for not more than six months, if and to the extent that such loss is taken into account in computing taxable income.

(c) The term "long-term capital gain" means gain from the sale or exchange of a capital asset held for more than six months, if and to the extent such gain is taken into account in computing gross income.

(d) The term "long-term capital loss" means loss from the sale or exchange of a capital asset held for more than six months, if and to the extent that such loss is taken into account in computing taxable income.

(e) The term "net short-term capital gain" means the excess of short-term capital gains for the taxable year over the short-term capital losses for such year.

(f) The term "net short-term capital loss" means the excess of short-term capital losses for the taxable year over the short-term capital gains for such year.

(g) The term "net long-term capital gain" means the excess of long-term capital gains for the taxable year over the long-term capital losses for such year.

(h) The term "net long-term capital loss" means the excess of long-term capital losses for the taxable year over the long-term capital gains for such year.

(i) The term "net capital gain" means the excess of—

(i) The sum of the gains from sales or exchanges of capital assets, plus taxable income of the taxpayer or one thousand dollars ($1,000), whichever is smaller, over

(ii) The losses from such sales or exchanges.

For purposes of this subparagraph, taxable income shall be computed without regard to gains or losses from sales or exchanges of capital assets. If the taxpayer elects to pay the optional tax under Section 17048, the term "taxable income" as used in this subparagraph shall be read as "adjusted gross income."

(j) The term "net capital loss" means the excess of the losses from sales or exchanges of capital assets over the sum allowed under Section 18152(a).

SEC. 74. Section 18401 of the Revenue and Taxation Code is amended to read:

18401. Every individual taxable under this part shall make a return to the Franchise Tax Board, stating specifically the items of his gross income and the deductions and credits allowed by this part, if he has for the taxable year—

(a) An adjusted gross income over two thousand seven hundred fifty dollars ($2,750), if single;

(b) An adjusted gross income of over five thousand five hundred dollars ($5,500), if married; or

(c) A gross income of over six thousand dollars ($6,000), regardless of the amount of adjusted gross income.

SEC. 75. Section 18402 of the Revenue and Taxation Code is amended to read:

18402. If a husband and wife have for the taxable year an aggregate adjusted gross income of over five thousand five hundred dollars ($5,500), or an aggregate gross income of over six thousand dollars ($6,000)—

(a) Each shall make such a return, or

(b) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggregate income, as provided in Section 17045. No joint return shall be made if: (1) one spouse was a resident for the entire year and the other spouse was a nonresident for all or any portion of the taxable year (this exception shall not apply if the nonresident or his or her spouse was an active member of the armed forces or any auxiliary branch thereof during the taxable year), or (2) husband and wife have different taxable years; except that if such taxable years begin on the same day and end on different days because of the death of either or of both, then the joint return may be made with respect to the taxable year of each. The above exception shall not apply if the surviving spouse remarries before the close of his taxable year, nor if the taxable year of either spouse is a fractional part of a year under Section 17553.

(c) In the case of the death of one spouse or both spouses the joint return with respect to the decedent may be made only by his executor or administrator; except that in the case of the death of one spouse the joint return may be made by the surviving spouse with respect to both himself and the decedent if (1) no return for the taxable year has been made by the decedent, (2) no executor or administrator has been appointed, and (3) no executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse. If an executor or administrator of the decedent is appointed after the making of the joint return by the surviving spouse, the executor or administrator may disaffirm such joint return by making, within one year after the last day prescribed by law for filing the return of the surviving

spouse, a separate return for the taxable year of the decedent with respect to which the joint return was made, in which case the return made by the survivor shall constitute his separate return.

SEC. 76. Section 18403 of the Revenue and Taxation Code is amended to read:

18403. If the taxpayer is unable to make his own return (including the return required by Section 18412), the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of the taxpayer.

SEC. 77. Section 18405 of the Revenue and Taxation Code is amended to read:

18405. Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make a return, which shall contain or be verified by a written declaration that it is made under the penalties of perjury, for any of the following taxpayers for whom he acts, stating specifically the items of gross income of the taxpayer and the deductions and credits allowed under this part:

(a) Every individual having an adjusted gross income for the taxable year of over two thousand seven hundred fifty dollars ($2,750), if single.

(b) Every individual having an adjusted gross income for the taxable year of over five thousand five hundred dollars ($5.500), if married.

(c) Every individual having a gross income for the taxable year of over six thousand dollars ($6,000), regardless of the amount of adjusted gross income.

(d) Every estate the net income of which for the taxable year is over one thousand dollars ($1,000).

(e) Every trust the net income of which for the taxable year is over one hundred dollars ($100).

(f) Every estate or trust the gross income of which for the taxable year is over six thousand dollars ($6,000), regardless of the amount of the net income.

(g) Every decedent, for the year in which death occurred, and for prior years, if returns for such years should have been filed but have not been filed by the decedent, under such rules and regulations as the Franchise Tax Board may prescribe.

SEC. 78. Section 18405.5 of the Revenue and Taxation Code is amended to read:

18405.5. Any individual who is a nonresident for all or any portion of the taxable year shall be required to file a return, regardless of the amount of his adjusted gross income, if he is required to pay any tax imposed by this part after apportioning his deductions and credits for personal exemptions as provided in Section 17055.

SEC. 79. Section 18410.6 of the Revenue and Taxation Code is amended to read:

18410.6. For the purposes of Sections 18586 to 18589, inclusive (relating to period of limitations upon assessment and collection), and for the purposes of Section 18681 (relating to delinquent returns), a joint return made under Section 18410 shall be deemed to have been filed:

(a) Where both spouses filed separate returns prior to making the joint return, on the date the last separate return was filed (but not earlier than the last date prescribed by this part for filing the return of either spouse).

(b) Where one spouse filed a separate return prior to the making of the joint return, and the other spouse had two thousand seven hundred fifty dollars ($2,750) or less of adjusted gross income and six thousand dollars ($6,000) or less of gross income for such taxable year, on the date of the filing of such separate return (but not earlier than the last date prescribed by law for the filing of such separate return).

(c) Where only one spouse filed a separate return prior to the making of a joint return and the other spouse had an adjusted gross income of more than two thousand seven hundred fifty dollars ($2,750) or a gross income of more than six thousand dollars ($6,000) for such taxable year, on the date of the filing of such joint return.

SEC. 80. Section 18411 of the Revenue and Taxation Code is amended to read:

18411. For the purpose of this part, the term "net income" means gross income computed under this part, less the deductions allowed by this part, other than the deductions allowed by Article 1 of Chapter 9.

SEC. 81. Section 18412.5 is added to the Revenue and Taxation Code, to read:

18412.5. Every individual subject to the provisions of Sections 18413 and 18414 shall make a declaration of estimated tax for the taxable year containing such information as the Franchise Tax Board may by forms or regulations prescribe.

SEC. 82. Section 18413 is added to the Revenue and Taxation Code, to read:

18413. For taxable years beginning on and after January 1, 1967 and ending after the effective date of this act, but on or before November 30, 1968, a declaration of estimated tax must be filed if the estimated tax amounts to the lesser of the amounts stated in subdivisions (a) and (b)—

(a) The tax paid for the preceding year, provided it amounts to two hundred dollars ($200) or more, in the case of a return by a single person and a joint return filed by a married couple, or one hundred dollars ($100) or more in the case of a separate return filed by a married person, or

(b) A tax which is estimated to be due based upon the income of the taxable year but computed in accordance with the tax rates in effect for taxable year 1966, provided it amounts to two hundred dollars ($200) or more in the case of a declaration by a single person and a joint declaration by a married

couple, or one hundred dollars ($100) or more in the case of a separate declaration by a married person.

(c) If the tax for the preceding year is two hundred dollars ($200) or more in the case of a return by a single person and a joint return filed by a married couple, or one hundred dollars ($100) or more in the case of a separate return filed by a married person, but the estimated tax for the taxable year is less than those amounts, a declaration must nevertheless be filed showing the basis for the estimate.

SEC. 83. Section 18414 is added to the Revenue and Taxation Code, to read:

18414. For taxable years ending on and after December 31, 1968, a declaration of estimated tax must be filed if the estimated tax amounts to the lesser of the amounts stated in subdivisions (a) and (b)—

(a) The tax paid for the preceding taxable year, provided it amounts to four hundred dollars ($400) or more, in the case of a return by a single person and a joint return filed by a married couple, or two hundred dollars ($200) or more in the case of a separate return filed by a married person, or

(b) A tax which is estimated to be due based upon the income of the taxable year, provided it amounts to four hundred dollars ($400) or more in the case of a declaration by a single person and a joint declaration by a married couple, or two hundred dollars ($200) or more in the case of a separate declaration by a married person.

(c) If the tax for the preceding year is four hundred dollars ($400) or more in the case of a return by a single person and a joint return filed by a married couple, or two hundred dollars ($200) or more in the case of a separate return filed by a married person, but the estimated tax for the taxable year is less than those amounts, a declaration must nevertheless be filed showing the basis for the estimate.

SEC. 85. Section 18416 is added to the Revenue and Taxation Code, to read:

18416. The provisions of this part requiring declarations of estimated tax shall not apply to an estate, trust or nonresident.

SEC. 86. Section 18431 of the Revenue and Taxation Code is amended to read:

18431. Except as otherwise provided by the Franchise Tax Board, any return, declaration, statement or other document required to be made under any provision of this part or regulations shall contain, or be verified by, a written declaration that it is made under the penalties of perjury. Such returns, and all other returns, declarations, statements or other documents or copies thereof required by this part, shall be in such form as the Franchise Tax Board may from time to time prescribe, and shall be filed with the Franchise Tax Board. The Franchise Tax Board shall prepare blank forms for the returns, declarations, statements or other documents and shall distribute them throughout the state and furnish them upon application.

Failure to receive or secure the form does not relieve any taxpayer from making any return declaration, statement or other document required.

SEC. 87. Section 18433 of the Revenue and Taxation Code is amended to read:

18433. The Franchise Tax Board, whenever in its judgment good cause exists, and under such rules and regulations as it shall prescribe, may grant a reasonable extension of time for filing any return, declaration, statement or other document or for payment of the tax, disclosed by the return, due or to become due within the period of the extension. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

SEC. 88. Section 18435 is added to the Revenue and Taxation Code, to read:

18435. (a) Declarations of estimated tax required to be filed under Section 18412.5 shall be filed on or before the last day of the 10th month of the taxable year.

(b) The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Franchise Tax Board.

SEC. 89. Section 18551.2 is added to the Revenue and Taxation Code, to read:

18551.2. For purposes of Section 19053, any amount paid as estimated income tax shall be deemed to have been paid on the last date prescribed for filing the return required under Section 18401 for such taxable year.

SEC. 90. Section 18556 is added to the Revenue and Taxation Code, to read:

18556. (a) Fifty percent of the amount of estimated tax, with respect to which a declaration is required under Section 18412.5, shall be paid within the period provided for filing the return under Section 18435 or the period as extended under Section 18433.

(b) At the election of the individual, the estimated tax due may be paid prior to the date prescribed for its payment.

SEC. 91. Section 18557 is added to the Revenue and Taxation Code, to read:

18557. Payment of the estimated income tax shall be considered payment on account of the income taxes imposed by this part for the taxable year. If a joint declaration is filed but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the husband or the wife, or may be divided between them.

SEC. 92. Section 18602 is added to the Revenue and Taxation Code, to read:

18602. (a) If on any return or claim for refund of taxes imposed under this part there is an overstatement of the amount paid as estimated income tax, the amount so overstated which is allowed against the tax shown on the return or which is allowed as a credit or refund may be assessed by

the Franchise Tax Board in the same manner as is provided by Section 18601 in the case of a mathematical error appearing on the return.

(b) No unpaid amount of estimated tax under Section 18556 shall be assessed.

SEC. 92.5. Section 18681.3 is added to the Revenue and Taxation Code, to read:

18681.3. (a) For purposes of Section 18681, the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for filing the return and by the amount of any credit against the tax which may be claimed upon the return.

(b) This section and Section 18681 shall not apply to any failure to file a declaration of estimated tax required by Section 18412.

SEC. 93. Section 18685.1 is added to the Revenue and Taxation Code, to read:

18685.1. (a) In case of any underpayment of estimated tax required to be paid under Section 18556 by the date prescribed therein, or the period as extended under Section 18433, a penalty of 10 percent of the amount of the underpayment shall be added to the tax for the taxable year and shall be due and payable upon notice and demand from the Franchise Tax Board.

(b) The amount of the underpayment of estimated tax upon which the penalty is based shall be determined under Sections 18685.5 or 18685.7, whichever is applicable for the taxable year.

(c) The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Franchise Tax Board.

SEC. 94. Section 18685.3 is added to the Revenue and Taxation Code, to read:

18685.3. In the case of any underpayment of estimated tax, there shall be added to the tax for the taxable year interest at the rate of 6 percent per annum upon the amount of the underpayment (determined under Section 18685.5 or 18685.7) for the period of the underpayment (determined under Section 18685.9).

SEC. 95. Section 18685.5 is added to the Revenue and Taxation Code, to read:

18685.5. For taxable years beginning on and after January 1, 1967 and ending on or after the effective date of this act, but on or before November 30, 1968, the amount of the underpayment of estimated tax shall be the excess of 50 percent of whichever is the lesser of—

(a) The estimated tax set forth in Section 18413(a), or

(b) 80 percent (50 percent in the case of individuals whose estimated gross income from farming or fishing, including oyster farming, for the taxable year is at least two-thirds of the estimated gross income) of a tax which is based

on the taxable income shown in the return for the taxable year, computed in accordance with the tax rates in effect for 1966, and reflecting any credits allowable under this part, provided it amounts to two hundred dollars ($200) or more, in the case of a return by a single person and a joint return filed by a married couple, or one hundred dollars ($100) or more in the case of a separate return filed by a married person,

over the amount, if any, of estimated tax paid on or before the date prescribed for payment.

SEC. 96. Section 18685.7 is added to the Revenue and Taxation Code, to read:

18685.7. For taxable years ending on and after December 31, 1968, the amount of the underpayment of estimated tax shall be the excess of 50 percent of whichever is the lesser of—

(a) The estimated tax set forth in Section 18414(a), or

(b) 80 percent (50 percent in the case of individuals whose estimated gross income from farming or fishing, including oyster farming, for the taxable year is at least two-thirds of the total estimated gross income from all sources for the taxable year) of the tax shown on the return for the taxable year computed in accordance with the tax rates in effect for the taxable year, and reflecting any credits allowable under this part, provided it amounts to four hundred dollars ($400) or more, in the case of a return by a single person and a joint return by a married couple, or two hundred dollars ($200) or more in the case of a separate return filed by a married person,

over the amount, if any, of estimated tax paid on or before the date prescribed for payment.

SEC. 97. Section 18685.9 is added to the Revenue and Taxation Code, to read:

18685.9. The period of the underpayment of estimated tax shall run from the date the installment was required to be paid, to whichever of the following dates is the earlier—

(a) The 15th day of the fourth month following the close of the taxable year, or

(b) With respect to any portion of the underpayment, the date on which such portion is paid.

SEC. 98. Section 18696 is added to the Revenue and Taxation Code, to read:

18696. Sections 18686 to 18695, inclusive, shall not apply to any failure to pay estimated tax required by Section 18556.

SEC. 99. Section 19051.1 is added to the Revenue and Taxation Code, to read:

19051.1. The Franchise Tax Board is authorized to prescribe regulations providing for the crediting against the estimated income tax for any taxable year of the amount determined by the taxpayer or the Franchise Tax Board to be an overpayment of the income tax for a preceding taxable year.

SEC. 100. Section 19053.1 is added to the Revenue and Taxation Code, to read:

19053.1. For purposes of Section 19053, a return filed within four years from the last day prescribed for filing the return, showing a credit for estimated tax paid under Section 18556 in excess of the tax due, shall be considered a claim for refund of such excess if the amount thereof is more than one dollar ($1). No refund of estimated tax paid shall be allowed to a taxpayer who fails to file a return for the taxable year in respect of which the estimated tax was allowable as a credit.

SEC. 101. Section 19062.11 is added to the Revenue and Taxation Code, to read:

19062.11. If any overpayment of tax imposed by this part is refunded within 90 days after the return is filed, or within 90 days after the last day prescribed for filing the return of such tax (determined without regard to any extension of time for filing the return), whichever is later, no interest shall be allowed under Section 19062 on such overpayment.

SEC. 102. Section 19062.14 is added to the Revenue and Taxation Code, to read:

19062.14. Any action of the Franchise Tax Board in refunding the excess of estimated tax paid under Section 18556 shall not constitute a determination of the correctness of the return of the taxpayer for purposes of this part.

SEC. 103. Section 19355.1 is added to the Revenue and Taxation Code, to read:

19355.1. For purposes of accounting, amounts received pursuant to Section 18556 shall be treated as earned by the state during the year of receipt.

SEC. 103.5. Part 10.5 (commencing with Section 19501) is added to Division 2 of the Revenue and Taxation Code, to read:

PART 10.5. SENIOR CITIZENS PROPERTY TAX ASSISTANCE LAW

Article 1. Definitions

19501. "Income" means the sum of adjusted gross income as used for purposes of the California Personal Income Tax Law, including items of income which would otherwise be excluded by Article 3 (commencing with Section 17131) of Chapter 3 of Part 10 of this division (other than transfers by gift or inheritance between members of the household), net income from sources outside the state, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act or state unemployment insurance laws and veterans disability payments, all interest received from the federal government or any of its instrumentalities, all interest received from the State of California or any of its political subdivisions, realized capital gains, workmen's compensation and the gross amount of loss of time insurance benefits, life insurance benefits, life

insurance proceeds, and gifts of cash or property (other than transfers by gift between members of the household) in excess of a value of three hundred dollars ($300). It does not include surplus food or other relief in kind supplied by a governmental agency or assistance received under this part. Total income shall be determined for the calendar year (or approved fiscal year ending within such calendar year) which ends within the fiscal year for which the property taxes have been assessed.

19502. "Household" means a claimant and an individual related to the claimant as husband or wife, and individuals related to the claimant as defined in Sections 17056 and 17057, all residing in the homestead of the claimant.

19503. "Household income" means all income received by all persons of a household while members of such household.

19504. "Homestead" means a dwelling and so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for use of the dwelling as a home, owned by the claimant, the claimant and his spouse, or by the claimant and some other individual. It shall also include premises occupied by reason of ownership in a cooperative housing corporation (as defined in Section 17265), mobilehomes which are assessed as realty for local property tax purposes and the land on which situated, houseboats, and other similar living accommodations, as well as a part of a multidwelling or multipurpose building and a part of the land upon which it is built. (Owned includes a vendee in possesson under a land sale contract and of one or more joint tenants or tenants in common.) It includes personal property such as furniture, furnishings or appliances. Except as provided in Section 19507, for purposes of this section, ownership must be evidenced by a duly recorded document.

19505. "Claimant" means an individual who has filed a claim under this part, was a member of the household, and was both a resident of this state (as defined in Section 17014) and 65 years of age or older on or before the first day of January preceding the end of the fiscal year for which a claim for assistance is filed under Article 3 (commencing with Section 19531) of this part.

19506. "Property tax" shall mean only those taxes paid currently which are assessed for fiscal years ending on or after June 30, 1968. Included taxes are those amounts which, if unpaid, are delinquent on December 10 and April 10 of fiscal years ended on the succeeding June 30.

When a homestead is owned by two or more individuals as joint tenants or tenants in common and one or more of such persons is not a member of the claimant's household, the term "property tax" shall include only that part of the taxes levied which reflects the ownership of the claimant and other members of the household.

19507. "Property taxes accrued" means current property taxes (exclusive of special assessments, interest, penalties, prin-

cipal payments on improvement bonds and charges for service) assessed against a claimant's homestead by any taxing agency (as defined in Section 121) for any fiscal year ending on or after June 30, 1968.

When a claimant and his household own their homestead for only part of a year and rent the same or a different homestead for part of the same year, "property taxes accrued" means only taxes assessed against the homestead when both owned and occupied as such by claimant and his household, multiplied by the percentage of 12 months that such property was owned and occupied by such household as its homestead in such year. Whenever a homestead is an integral part of a large unit such as a farm, or a multipurpose or multidwelling building, "property taxes accrued" shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. Where a claimant or member of the household is purchasing property under an unrecorded contract of sale, the Franchise Tax Board may require an affidavit under penalty of perjury stating the following:

(a) That he purchased the real property pursuant to such unrecorded contract of sale.

(b) That under such unrecorded contract of sale he is obligated and responsible for the payment of the taxes.

The Franchise Tax Board shall by regulation determine the amount of "property taxes accrued" when a household owns two or more homesteads during the same year.

Article 2. Property Tax Assistance

19521. Subject to the limitations provided in this part, a claimant may, to the extent provided in Section 19523, file with the Franchise Tax Board, pursuant to Article 3 (commencing with Section 19531) of this part, a claim for assistance from the State of California of a sum equal to a percentage of the property taxes accrued and paid by the claimant on his homestead.

19522. (a) If the amount of assistance exceeds five dollars ($5), the Franchise Tax Board, pursuant to the provisions of Article 3 (commencing with Section 19531) of this part, shall provide assistance to the claimant based on a percentage of the property tax accrued and paid by the claimant on his homestead as provided in Section 19523. Such assistance shall be equal to the applicable percentage of property taxes paid on the assessed value of the property up to and including five thousand dollars ($5,000). No assistance shall be allowed for property taxes paid on that portion of assessed value of a homestead exceeding five thousand dollars ($5,000). No assistance shall be provided if the amount of the assistance claim is five dollars ($5) or less.

(b) For purposes of allowing assistance provided for by this section:

(1) Only one claimant from one household each year shall be entitled to assistance under this part. When two or more individuals of a household are able o meet the qualifications for a claimant, they may determine who the claimant shall be. If they are unable to agree, the matter shall be referred to the Franchise Tax Board and its decision shall be final.

(2) The right to file a claim shall be personal to the claimant and shall not survive his death; however, when a claimant dies after having filed a timely claim, the amount thereof may be disbursed to the surviving spouse and if no surviving spouse, to any other member of the household who is a qualified claimant. If there is no surviving spouse or otherwise qualified claimant, the claim shall be canceled.

19523. The amount of assistance shall be based on the claimant's household income for the period set forth in Section 19501. The percentage of assistance for which each claimant shall be eligible shall be based on the following scale:

If the total household income (as defined in this part) is not more than:	The percentage of tax on the first $5,000 of value (as determined for tax purposes) used to provide assistance is:
$1,000	95%
1,025	94
1,050	93
1,075	92
1,100	91
1,125	90
1,150	89
1,175	88
1,200	87
1,225	86
1,250	85
1,275	84
1,300	83
1,325	82
1,350	81
1,375	80
1,400	79
1,425	78
1,450	77
1,475	76
1,500	75
1,525	74
1,550	73
1,575	72
1,600	71
1,625	70
1,650	69
1,675	68

If the total household income (as defined in this part) is not more than:	The percentage of tax on the first $5,000 of values (as determined for tax purposes) used to provide assistance is:
1,700	67
1,725	66
1,750	65
1,775	64
1,800	63
1,825	62
1,850	61
1,875	60
1,900	59
1,925	58
1,950	57
1,975	56
2,000	55
2,025	54
2,050	53
2,075	52
2,100	51
2,125	50
2,150	49
2,175	48
2,200	47
2,225	46
2,250	45
2,275	44
2,300	43
2,325	42
2,350	41
2,375	40
2,400	39
2,425	38
2,450	37
2,475	36
2,500	35
2,525	34
2,550	33
2,575	32
2,600	31
2,625	30
2,650	29
2,675	28
2,700	27
2,725	26
2,750	25
2,775	24
2,800	23
2,825	22
2,850	21
2,875	20

If the total household income (as defined in this part) is not more than:	The percentage of tax on the first $5,000 of values (as determined for tax purposes) used to provide assistance is
2,900	19
2,925	18
2,950	17
2,975	16
3,000	15
3,025	14
3,050	13
3,075	12
3,100	11
3,125	10
3,150	9
3,175	8
3,200	7
3,225	6
3,250	5
3,275	4
3,300	3
3,325	2
3,350	1

19524. If the claimant or any member of the household received a public assistance grant which contained specific allowances for property tax obligations, the property tax assistance payable under this article shall be reduced by the amount of the allowances for property tax obligations received during the fiscal year for which assistance is claimed under this article.

19526. Notwithstanding the definition of income set forth in Section 19501, no assistance shall be allowed for property taxes accrued and paid if the gross household income from all sources for the periods set forth in Section 19501 is ten thousand dollars ($10,000) or more

Article 3. Administration

19531. Each claimant applying for assistance under Article 2 (commencing with Section 19521) of this part shall file a claim under penalty of perjury with the Franchise Tax Board on a form supplied by such board. The claim shall contain:

(a) Evidence acceptable to the Franchise Tax Board that the claimant was a resident of California and 65 years of age or older on or before the first day of January preceding the end of the fiscal year for which the claim is filed.

(b) A statement showing the household income for the period set forth in Section 19501.

(c) A statement describing the property on which the claim is based and showing at least the assessed value of the homestead; the size and nature of the homestead; together with

(1) a receipt from the city, city and county, or county to which the property taxes for the homestead were paid or (2) the tax bill and canceled check, or a copy of them, showing that the taxes were paid. No interest shall be allowed on any payment made to any claimant pursuant to this part.

If a claimant submits a statement containing the essential data set forth in this section under penalty of perjury within the period set forth in Section 19532, the Franchise Tax Board shall compute the amount of assistance and authorize payment. The amount of any assistance otherwise payable under this part may be applied by the Franchise Tax Board against any liability due from the claimant under any law administered by the Franchise Tax Board.

19532. The claim on which the assistance is based shall be filed after May 15 of the fiscal year for which assistance is claimed but on or before August 31 succeeding the fiscal year for which assistance is claimed for property taxes paid.

The state shall assist the claimant after June 30 and before November 30 of the calendar year in which the claim is filed, except that if the claim is defective, assistance shall be made as promptly as is practicable after the claim has been perfected. The Franchise Tax Board, whenever in its judgment good cause exists, may grant a reasonable extension of time for filing a claim. No extension or extensions shall aggregate more than six months from the due date provided for filing the claim. The first claim filed shall include proof of the claimant's age, acceptable to the Franchise Tax Board.

19534. Forms filed pursuant to this part shall not be under oath but shall contain, or be verified by, a written declaration that they are made under the penalties of perjury. Such forms and all other forms required by this part shall require such information as the Franchise Tax Board may from time to time prescribe, and shall be filed with the Franchise Tax Board. The Franchise Tax Board shall prepare blank forms for the claimant and shall distribute them throughout the state and furnish them upon application.

19535. The Franchise Tax Board shall prescribe all rules and regulations necessary for the enforcement of this part and may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

19536. If any claimant fails or refuses to furnish any information requested in writing by the Franchise Tax Board, pursuant to this part, or files a fraudulent claim, the assistance required by this part shall be disallowed.

19537. Any claim for assistance which is less than that claimed on the form due to a mathematical error is not a fraudulent claim. Assistance of any amount erroneously claimed on the form is prohibited.

19538. The Franchise Tax Board may recover any assistance or any portion thereof which is erroneously paid or al-

lowed, together with interest at the rate of 6 percent per annum from the date the assistance was paid or the credit 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 within two years after the assistance was provided or credit was allowed.

19539. Taxpayers who fraudulently claim the assistance allowed under this part are subject to a fine of up to five hundred dollars ($500), or 30 days imprisonment, or both. The place of trial for any violation of this section shall be in the county of residence of the claimant at the time the offense was committed.

19540. Any person aggrieved by the denial in whole or in part of the assistance claimed (except when the denial is based upon late filing of claim for assistance or is based upon a mathematical error) may appeal such denial to the Board of Equalization, or commence an action in the Superior Court of the County of Sacramento, in the County of Los Angeles or in the City and County of San Francisco, against the Franchise Tax Board, subject to the limitations and provisions of Chapter 20 (commencing with Section 19051) of Part 10 of this division.

SEC. 104. Section 23151 of the Revenue and Taxation Code is amended to read:

23151. With the exception of financial corporations, every corporation doing business within the limits of this state and not expressly exempted from taxation by the provisions of the Constitution of this state or by this part, shall annually pay to the state, for the privilege of exercising its corporate franchises within this state, a tax according to or measured by its net income, to be computed at the rate of 7 percent upon the basis of its net income for the next preceding income year. In any event, each such corporation shall pay annually to the state, for the said privilege, a minimum tax of one hundred dollars ($100).

SEC. 105. Section 23184 of the Revenue and Taxation Code is amended to read:

23184. Financial corporations may offset against the franchise tax the amounts paid during the income year to this state or to any county, city, town, or other political subdivisions of the state as personal property taxes, or as license fees or excise taxes for the following privileges:

(a) Operating as personal property brokers or brokers as defined in the Personal Property Brokers Act.

(b) Operating motor vehicles under Part 5 of this division.

(c) Engaging in the business of loaning money, advancing credit, or loaning credit or arranging for the loan of money or advancing of credit or loaning of credit.

(d) Storing, using or otherwise consuming in this state of tangible personal property by savings and loan associations.

The tax on financial corporations after the allowance of offset shall not be less than 7 percent of its net income

for the preceding income year nor less than the following minimum tax:

(1) In the case of financial corporations, other than credit unions whose gross income is twenty thousand dollars ($20,000) or less, one hundred dollars ($100).

(2) In the case of credit unions whose gross income is twenty thousand dollars ($20,000) or less, twenty-five dollars ($25).

SEC. 106. Section 23186 of the Revenue and Taxation Code is amended to read:

23186. The rate of tax on banks and financial corporations shall be a percentage equal to the percentage of the total amount of net income, allocable to this state, of every corporation taxable under Section 23151, other than public utilities as defined in the Public Utilities Act, for the next preceding calendar year or fiscal years ended during such calendar year, required to be paid to this state as franchise taxes according to or measured by such net income, and required to be paid to this state or its political subdivisions by such corporations as personal property taxes during the preceding calendar year or fiscal years ended in such calendar year; provided, however, that said rate of tax shall not exceed 11 percent. The percentage of the net income of every corporation taxable under Section 23151, other than public utilities as defined in the Public Utilities Act, required to be paid to this state or its political subdivisions in personal property taxes shall be determined by ascertaining the ratio which the total amount of such personal property taxes, less 7 percent thereof, bears to the total amount of net income of such corporations allocable to California, increased by the amount of such personal property taxes; provided, however, that if any such corporation sustains a net loss allocable to California the personal property taxes required to be paid by such corporation to this state or its political subdivisions during the preceding calendar year or fiscal years ended during such calendar year shall be considered for the purpose of determining such ratio only to the extent which such personal property taxes exceed such net loss allocable to California.

SEC. 107. Section 23333 of the Revenue and Taxation Code is amended to read:

23333. A taxpayer subject to Section 23186 shall, if it dissolves or withdraws prior to the date the rate is determined under Section 23186, pay a tax under Section 23332 at the maximum rate prescribed by said Section 23186; if the rate is subsequently determined to be less than the maximum prescribed by Section 23186, a refund shall, within thirty (30) days of such determination, be made as prescribed by Article 1 of Chapter 22; that part of the tax thus determined which is in excess of 7 percent shall be collected as a demand for second installment under Article 3 of Chapter 19.

SEC. 108. Section 23501 of the Revenue and Taxation Code is amended to read:

23501. There shall be imposed upon every corporation for each taxable year, a tax at the rate of 7 percent upon its net income derived from sources within this state on or after January 1, 1937, other than income for any period for which the corporation is subject to taxation under Chapter 2 of this part, according to or measured by its net income.

SEC. 109. Section 23771 of the Revenue and Taxation Code is amended to read:

23771. Every organization, otherwise exempt under Article 1 of this chapter, but having income of the character described in Article 2, shall file a return, verified by an executive officer under penalties of perjury in the form prescribed by the Franchise Tax Board, within two months and 15 days of the close of the income year, reporting its income from such activities and shall pay a tax of 7 percent on its Article 2 net income as defined in Section 23731b.

SEC. 109.1. Section 25553 of the Revenue and Taxation Code is amended to read:

25553. Beginning with the calendar year 1965 and fiscal years beginning in 1965, in the case of taxpayers subject to the tax imposed by Article 3 of Chapter 2, there shall be due and payable on or before the 15th day of the third month following the close of the preceding year from each such taxpayer a percentage of its net income as disclosed by its return which is equal to the rate applicable to corporations subject to the tax imposed by Article 2 of Chapter 2 plus the personal property tax rate equivalent included in the bank and financial corporation tax rate determination by the Franchise Tax Board in December of the preceding year pursuant to Sections 23186 and 23186a, less the credit allowable by Section 23184. The payment by financial corporations, other than credit unions whose gross income is twenty thousand dollars ($20,000) or less, shall not be less than the minimum tax of one hundred dollars ($100). The payment by credit unions whose gross income is twenty thousand dollars ($20,000) or less shall not be less than twenty-five dollars ($25).

SEC. 109.3. Section 25563 of the Revenue and Taxation Code is amended to read:

25563. If the amount of estimated tax with respect to which a declaration is required under Article 2 5 of this chapter does not exceed one hundred dollars ($100), or twenty-five dollars ($25) in the case of a corporation described in subdivision (a) of Section 23153, the entire amount of the estimated tax shall be due and payable on or before the 15th day of the sixth month of the income year. If the amount of estimated tax exceeds one hundred dollars ($100), or twenty-five dollars ($25) in the case of a corporation described in subdivision (a) of Section 23153, the amount payable shall be paid in two installments as follows—

(a) For income years beginning on and after January 1, 1967, and before January 1, 1970—

(1) 50 percent of the estimated tax, but not less than the minimum tax provided in Section 23153, shall be paid on or before the 15th day of the sixth month of the income year, and

(2) 25 percent of the estimated tax shall be paid on or before the 15th day of the 11th month of the income year.

(b) For income years beginning on and after January 1, 1970—

(1) 30 percent of the estimated tax, but not less than the minimum tax provided in Section 23153, shall be paid on or after the 15th day of the sixth month of the income year, and

(2) 20 percent of the estimated tax shall be paid on or before the 15th day of the 11th month of the income year.

SEC. 109.5. Section 25931.3 is added to the Revenue and Taxation Code, to read:

25931.3. (a) For purposes of Section 25931, the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for filing the return.

(b) This section and Section 25931 shall not apply to any failure to file a declaration of estimated tax required by Section 25441.

SEC. 110. Section 25952 of the Revenue and Taxation Code is amended to read:

25952. For the purposes of Section 25951 the amount of the underpayment shall be the excess of—

(a) The amount of the installment which would be required to be paid if the estimated tax were equal to 70 percent of the tax shown on the return for the income year, or in the case of the tax imposed by Article 3 of Chapter 2 the amount of the tax shown on the return for the income year plus or minus the amount of tax payable or refundable, respectively, as shown on the notice of determination mailed by the Franchise Tax Board pursuant to Section 23186a for the income year, or, if no return was filed, 70 percent of the tax for such year, over

(b) The amount, if any of the installment, paid on or before the last date prescribed for payment.

SEC. 110.5. Section 25953 of the Revenue and Taxation Code is amended to read:

25953. The period of the underpayment shall run from the date the installment was required to be made to whichever of the following date is the earlier—

(a) The 15th day of the third month following the close of the income year.

(b) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this subdivision, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subdivision (a) of Section 25952 for such installment date.

SEC. 111. Section 25954 of the Revenue and Taxation Code is amended to read:

25954. Notwithstanding the provisions of the preceding sections of this article, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax paid on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser—

(a) The tax shown on the return of the taxpayer for the preceding income year if a return showing a liability for tax was filed by the taxpayer for the preceding year and such preceding year was a year of 12 months. The tax shown on the return, in the case of the tax imposed by Article 3 of Chapter 2, means the amount of tax shown on the return for the income year plus or minus the amount of tax payable or refundable, respectively, as shown on the notice of determination mailed by the Franchise Tax Board pursuant to Section 23186a for the income year.

(b) An amount equal to the tax computed at the rates applicable to the taxable year but otherwise on the basis of the facts shown on the return of the taxpayer for, and the law applicable to, the preceding taxable year.

(c) (1) An amount equal to 70 percent of the tax for the taxable year computed by placing on an annualized basis the taxable income for the first three months or for the first five months of the income year.

(2) For purposes of this subdivision, the taxable income shall be placed on an annualized basis by—

(A) Multiplying by 12 the taxable income referred to in paragraph (1), and

(B) Dividing the resulting amount by the number of months in the income year referred to in paragraph (1).

"Taxable income" as used in this section means, in the case of the tax imposed by Chapter 2, income includible in the measure of the tax

SEC. 112. Section 30008 of the Revenue and Taxation Code is amended to read:

30008. "Distribution" includes:

(a) The sale of untaxed cigarettes in this state.

(b) The use or consumption of untaxed cigarettes in this state.

(c) The placing in this state of untaxed cigarettes in a vending machine or in retail stock for the purpose of selling the cigarettes to consumers.

SEC. 113. Section 30014 of the Revenue and Taxation Code is amended to read:

30014. "Transporter" means any person transporting into or within this state cigarettes not contained in packages to

which are affixed California cigarette tax stamps or meter impressions. However, "transporter" shall not include:

(a) A licensed distributor.

(b) A common carrier.

(c) A person transporting cigarettes under federal internal revenue bond or customs control that are non-tax-paid under Chapter 52 of the Internal Revenue Act of 1954 as amended.

SEC. 114. Section 30015 of the Revenue and Taxation Code is amended to read:

30015. "Package" means the individual packet, box or other container in which retail sales of cigarettes are normally made or intended to be made. "Package" does not include such containers as cartons, cases, bales or boxes which contain smaller packaging units of cigarettes.

SEC. 115. Section 30016 of the Revenue and Taxation Code is repealed.

SEC. 116. Section 30101 of the Revenue and Taxation Code is amended to read:

30101. Every distributor shall pay a tax upon his distributions of cigarettes at the rate of one and one-half mills ($0.0015) for the distribution after 4 o'clock a.m. on July 1, 1959, of each cigarette until 12:01 o'clock a.m. on August 1, 1967, and at the rate of three and one-half mills ($0.0035) for the distribution of each cigarette on and after August 1, 1967, until 12:01 o'clock a.m. on October 1, 1967, and at the rate of five mills ($0.005) on and after 12:01 o'clock a.m. on October 1, 1967.

SEC. 117. Section 30102 of the Revenue and Taxation Code is amended to read:

30102. The taxes imposed by this part shall not apply to the sale of cigarettes to:

(a) United States Army, Air Force, Navy, Marine Corps or Coast Guard exchanges and commissaries and Navy or Coast Guard ships' stores, or

(b) The United States Veterans Administration.

SEC. 118. Section 30102.5 of the Revenue and Taxation Code is amended to read:

30102.5. The taxes imposed by this part shall not apply to the distribution of cigarettes that are non-tax-paid under Chapter 52 of the Internal Revenue Act of 1954 as amended, and the cigarettes are under internal revenue bond or customs control.

SEC. 119. Section 30106 of the Revenue and Taxation Code is amended to read:

30106. The taxes imposed by this part shall not apply to the use or consumption of untaxed cigarettes transported to this state in a single lot or shipment of not more than 200 cigarettes, or of not more than 200 untaxed cigarettes obtained at one time from any of the instrumentalities listed in Section 30102.

SEC. 120. Section 30107 of the Revenue and Taxation Code is repealed.

SEC. 121. Section 30107 is added to the Revenue and Taxation Code, to read:

30107. The taxes resulting from a distribution of cigarettes within the meaning of subdivision (b) of Section 30008 shall be paid by the user or consumer

SEC. 122. Article 2 (commencing with Section 30115) of Chapter 2 of Part 13 of Division 2 of the Revenue and Taxation Code is repealed.

SEC. 123. Article 3 (commencing with Section 30121) of Chapter 2 of Part 13 of Division 2 of the Revenue and Taxation Code is repealed.

SEC. 124. Article 2 (commencing with Section 30121) is added to Chapter 2 of Part 13 of Division 2 of the Revenue and Taxation Code, to read:

Article 2. Floor Stocks and Indicia Adjustment Taxes

30121. For the privilege of holding or storing cigarettes for sale, use or consumption, a floor tax is hereby imposed upon every dealer at the rate of two mills ($0.002) for each cigarette in the possession of the dealer or under his control in this state at 12:01 o'clock a.m. on August 1, 1967.

30122. Every dealer shall take an inventory as of 12:01 o'clock a.m. on August 1, 1967, of all cigarettes in his possession or under his control. He shall file a report with the board on or before August 31, 1967, in such form as the board may prescribe, showing the number of cigarettes in his possession or under his control at 12.01 o'clock a.m. on August 1, 1967. The amount of tax required to be paid on the cigarettes shall be computed and shown on the dealer's return.

30123. For the privilege of distributing cigarettes as a licensed distributor and for holding or storing cigarettes for sale, use or consumption a floor tax and cigarette indicia adjustment tax is hereby imposed upon every licensed distributor as follows:

(a) In the amount of four cents ($0.04) for each California cigarette tax stamp or meter impression bearing the designation "20" and in the amount of two cents ($0.02) for each California cigarette tax stamp bearing the designation "10," which is affixed to any package of cigarettes in the possession of the licensed distributor or under his control at 12:01 o'clock a.m. on August 1, 1967.

(b) In the amount of four cents ($0.04) for each unaffixed California cigarette tax stamp bearing the designation "20" and two cents ($0.02) for each unaffixed California cigarette tax stamp bearing the designation "10" and forty cents ($0.40) for each unused meter register unit, in the possession of the licensed distributor or under his control at 12:01 o'clock a.m. on August 1, 1967. The amounts levied under this subdivision shall be reduced by a discount to the distributor of twenty-five hundredths of one percent (0.25%).

30124. Every licensed distributor shall take an inventory as of 12:01 o'clock a.m. on August 1, 1967, of all packages of cigarettes to which are affixed California cigarette tax stamps or meter impressions and all unaffixed California cigarette tax stamps and unused meter register units in his possession or under his control. Every licensed distributor shall file a report with the board on or before August 31, 1967 in such form as the board may prescribe, showing:

(a) The number of California cigarette tax stamps and meter impressions, with the designations thereof, which were affixed to packages of cigarettes in his possession or under his control at 12:01 o'clock a.m. on August 1, 1967.

(b) The number of unaffixed California cigarette tax stamps, with the designations thereof, and unused meter register units which were in his possession or under his control at 12:01 o'clock a.m. on August 1, 1967.

The amount of tax required to be paid with respect to the stamps, meter impressions and meter register units shall be computed and shown on the distributor's return.

30125. The taxes required to be paid by this article are due and payable on or before August 31, 1967. Payments shall be made by remittances payable to the board and the payments shall accompany the reports required to be filed by this article. Any amount required to be paid by this article which is not timely paid shall bear interest at the rate of one-half of 1 percent per month or fraction thereof from August 31, 1967, until paid, and shall be subject to determination, and redetermination, and any penalties provided with respect to determinations and redeterminations.

30126. The provisions of this article shall not apply with respect to cigarettes which are non-tax-paid under the provisions of Chapter 52 of the Internal Revenue Act of 1954, as amended, and are in internal revenue bond or customs control.

SEC. 124.5. Article 3 (commencing with Section 30131) is added to Chapter 2 of Part 13 of Division 2 of the Revenue and Taxation Code, to read:

Article 3. Additional Floor Stocks and Indicia Adjustment Taxes

30131. For the privilege of holding or storing cigarettes for sale, use or consumption, a floor tax is hereby imposed upon every dealer at the rate of one and one-half mills ($0.0015) for each cigarette in the possession of the dealer or under his control at 12:01 o'clock a.m. on October 1, 1967.

30132. Every dealer shall take an inventory as of 12:01 o'clock a.m. on October 1, 1967, of all cigarettes in his possession or under his control. He shall file a report with the board on or before October 31, 1967, in such form as the board may prescribe, showing the number of cigarettes in his possession or under his control at 12:01 o'clock a.m. on October 1, 1967.

The amount of tax required to be paid on the cigarettes shall be computed and shown on the dealer's return.

30133. For the privilege of distributing cigarettes as a licensed distributor and for holding or storing cigarettes for sale, use or consumption a floor tax and cigarette indicia adjustment tax is hereby imposed upon every licensed distributor as follows:

(a) In the amount of three cents ($0.03) for each California cigarette tax stamp or meter impression bearing the designation "20" and in the amount of one and one-half cents ($0.015) for each California cigarette tax stamp bearing the designation "10," which is affixed to any package of cigarettes in the possession of the licensed distributor or under his control at 12:01 o'clock a.m. on October 1, 1967.

(b) In the amount of three cents ($0.03) for each unaffixed California cigarette tax stamp bearing the designation "20" and one and one-half cents ($0.015) for each unaffixed California cigarette tax stamp bearing the designation "10" and thirty cents ($0.30) for each unused meter register unit, in the possession of the licensed distributor or under his control at 12.01 o'clock a.m. on October 1, 1967. The amounts levied under this subdivision shall be reduced by a discount to the distributor of seventeen-hundredths of 1 percent (0.17%).

30134 Every licensed distributor shall take an inventory as of 12:01 o'clock a.m. on October 1, 1967, of all packages of cigarettes to which are affixed California cigarette tax stamps or meter impressions and all unaffixed California cigarette tax stamps and unused meter register units in his possession or under his control. Every licensed distributor shall file a report with the board on or before October 31, 1967 in such form as the board may prescribe, showing:

(a) The number of California cigarette tax stamps and meter impressions, with the designations thereof, which were affixed to packages of cigarettes in his possession or under his control at 12:01 o'clock a.m. on October 1, 1967.

(b) The number of unaffixed California cigarette tax stamps, with the designations thereof, and unused meter register units which were in his possession or under his control at 12:01 o'clock a.m. on October 1, 1967.

The amount of tax required to be paid with respect to the stamp, meter impressions and meter register units shall be computed and shown on the distributor's return.

30135. The taxes required to be paid by this article are due and payable on or before October 31, 1967. Payments shall be made by remittances payable to the board and the payments shall accompany the reports required to be filed by this article. Any amount required to be paid by this article which is not timely paid shall bear interest at the rate of one-half of 1 percent per month or fraction thereof from October 31, 1967, until paid, and shall be subject to determination, and redetermination, and any penalties provided with respect to determinations and redeterminations

30136. The provisions of this article shall not apply with respect to cigarettes which are nontaxpaid under the provisions of Chapter 52 of the Internal Revenue Act of 1954, as amended, and are in internal revenue bond or customs control.

SEC. 125. Section 30140 of the Revenue and Taxation Code is amended to read:

30140. Every person desiring to engage in the sale of cigarettes as a distributor (including a common carrier or authorized person mentioned in Section 30104), except a person who desires merely to sell or accept orders for cigarettes which are to be transported from a point outside this state to a consumer within this state, shall file with the board an application, in such form as the board may prescribe, for a distributor's license. A distributor shall apply for and obtain a license for each place of business at which he engages in the business of distributing cigarettes.

SEC. 126. Section 30142 of the Revenue and Taxation Code is amended to read:

30142. The board shall fix the amount of the bond or bonds required of any distributor and may increase or reduce the amount at any time. A minimum bond or bonds in the amount of one thousand dollars ($1,000) shall be furnished by every distributor required to be licensed. If a distributor desires to defer payments for stamps or meter register settings, as provided in Article 2 of Chapter 3.5 of this part, the board shall require a bond or bonds equal to seventy percent (70%) of the amount, as fixed by the board, of the distributor's purchases of stamps and meter register settings for which payment may be deferred.

SEC. 127. Section 30166 of the Revenue and Taxation Code is amended to read:

30166. Stamps and meter register settings shall be sold at their denominated values less 0.85 percent to licensed distributors. Payment for stamps or meter register settings shall be made at the time of purchase, provided that a licensed distributor, subject to the conditions and provisions of this article, may be permitted to defer payments therefor.

SEC. 128. Section 30167 of the Revenue and Taxation Code is amended to read:

30167. A licensed distributor may apply to the board to fix the maximum amount of deferred-payment purchases of stamps and meter register settings which the distributor may have unpaid at any time. Upon receipt of the application and the bond or bonds required pursuant to Section 30142, the board shall fix such amount. The board at any time may designate the sales locations where the distributor may make deferred-payment purchases of stamps and meter register settings and fix the amount of such purchases which the distributor may have unpaid at any one time with respect to purchases made at each of the designated sales locations.

SEC. 128.5. Section 30168 of the Revenue and Taxation Code is amended to read:

30168. Amounts owing for stamps and meter register settings purchased on the deferred-payment basis in any calendar month, beginning with August, 1967, shall be due and payable on or before the 20th day of the following calendar month. Payment shall be made by a remittance payable to the board. Amounts owing for purchases made from July 16, 1967, to and including July 31, 1967, shall be due and payable on or before August 31, 1967.

SEC. 128.6. Section 30170 of the Revenue and Taxation Code is amended to read:

30170. The board may suspend without prior notice a distributor's privilege to purchase stamps or meter register settings on the deferred-payment basis or may reduce the amount of permissible deferred-payment purchases fixed for the distributor, if the distributor fails to promptly pay for stamps or meter register settings when payment is due, if the bond or bonds of the distributor are canceled, become void, impaired, or unenforceable for any reason, or if in the opinion of the board, collection of any amounts unpaid or due from the distributor under this part are jeopardized.

SEC. 129. Section 30181 of the Revenue and Taxation Code is amended to read:

30181. When any tax imposed under Article 1 of Chapter 2 of this part is not paid through the use of stamps or meter impressions, the tax shall be due and payable monthly on or before the 20th day of the month following the calendar month in which a distribution of cigarettes occurs, or in the case of a sale of cigarettes on the facilities of a common carrier for which the tax is imposed pursuant to Section 30104, the tax shall be due and payable monthly on or before the 20th day of the month following the calendar month in which a sale of cigarettes on the facilities of the carrier occurs.

SEC. 130. Section 30182 of the Revenue and Taxation Code is amended to read:

30182. On or before the 20th day of each month, every distributor shall file on forms prescribed by the board a report respecting his distributions of cigarettes and purchases of stamps and meter register units during the preceding month and such other information as the board may require to carry out the purposes of this part.

SEC. 131. Section 30183 of the Revenue and Taxation Code is amended to read:

30183. On or before the 20th day of each month every distributor required under Section 30108 to collect any tax during the preceding month shall file a report with the board on forms prescribed by the board showing the number of cigarettes with respect to which he was required to collect the tax and such other information as the board may require to carry out the purposes of this part.

SEC. 132. Section 30186 of the Revenue and Taxation Code is amended to read:

30186. On or before the 20th day of each month the common carriers and authorized persons specified in Section 30104 shall file with the board a report of the sales of cigarettes made by them on the facilities of the carriers in California in the preceding calendar month in such detail and form as the board may prescribe, submitting with the report the amount of the tax due under Section 30104.

SEC. 133. Section 30187 of the Revenue and Taxation Code is amended to read:

30187. Every consumer or user subject to the tax resulting from a distribution of cigarettes within the meaning of subdivision (b) of Section 30008 from whom the tax has not been collected under Section 30108 shall on or before the 20th day of the month following receipt of cigarettes file with the board a report of the amount of cigarettes received by him in the preceding calendar month in such detail and form as the board may prescribe, submitting with the report the amount of tax due.

SEC. 134. Section 30202 of the Revenue and Taxation Code is amended to read:

30202. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date the amount of the tax, or any portion thereof, should have been reported until the date of payment.

SEC. 135. Section 30221 of the Revenue and Taxation Code is amended to read:

30221. If any person fails to make a report, the board shall make an estimate of the number of cigarettes distributed by him. The estimate shall be made for the month or months in respect to which the person failed to make a report and shall be based upon any information available to the board. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the state, adding to the sum thus fixed a penalty equal to 10 percent thereof. One or more determinations may be made for one or for more than one month.

SEC. 136. Section 30223 of the Revenue and Taxation Code is amended to read:

30223. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date the amount, or any portion thereof, should have been reported until the date of payment.

SEC. 137. Section 30366 of the Revenue and Taxation Code is amended to read:

30366. Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the rate of one-half of 1 percent per month from the 20th day of the calendar month following the monthly period for which the overpayment was made, but no refund or credit shall be made of any

interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the 20th day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

SEC. 138. Section 30431 of the Revenue and Taxation Code is amended to read:

30431. Any transporter desiring to possess or acquire for transportation or transport upon the highways, roads or streets of this state more than 200 cigarettes which are not contained in packages to which are affixed California cigarette stamps or meter impressions shall obtain a permit from the board authorizing such transporter to possess or acquire for transportation or transport the cigarettes, and he shall have the permit in the transporting vehicle during the period of transportation of the cigarettes. The application for the permit shall be in such form and shall contain such information as may be prescribed by the board. The board may issue a permit for a single load or shipment or for a number of loads or shipments to be transported under specified conditions.

SEC. 139. Section 30432 of the Revenue and Taxation Code is amended to read:

30432. Each transporter who shall transport or possess or acquire for the purpose of transporting upon the highways, roads or streets of this state more than 200 cigarettes which are not contained in packages to which are affixed California cigarette tax stamps or meter impressions is required to have in the transporting vehicle during the period of transportation invoices, bills of lading or delivery tickets covering the cigarettes being transported which shall show the name and address of the consignor or seller, the name and address of the consignee or purchaser and the quantity and brands of the cigarettes transported.

SEC. 140. Section 30433 of the Revenue and Taxation Code is repealed.

SEC. 141. Chapter 7.5 (commencing with Section 30436) is added to Part 13 of Division 2 of the Revenue and Taxation Code, to read:

CHAPTER 7.5. SEIZURE AND FORFEITURE

30436. The following property, upon seizure by the board, is hereby forfeited to the State of California:

(a) Cigarettes transported upon the highways, roads or streets of this state in violation of the provisions of Section 30431 or Section 30432.

(b) Cigarettes not contained in packages to which are affixed California cigarette tax stamp or meter impressions, which are offered for sale, possessed, kept, stored or owned by any person with the intent of the person to sell the cigarettes without payment of the taxes imposed by this part.

(c) Any cigarette vending machine, together with the cigarettes, money or other contents thereof, which has been loaded in whole or in part with packages of cigarettes which do not have California cigarette tax stamps or meter impressions affixed.

30437. Notice of the seizure and forfeiture of the property shall be given by the board by personal service or by registered or certified mail to all persons known by the board to have any right, title or interest in the property seized. Unknown persons, or any known person who cannot be found, having any right, title or interest in the property shall be served by one publication of the notice of seizure and forfeiture in a newspaper of general circulation in the county where the seizure was made. The notice shall include a description of the property, the reason for the seizure, and the time and place of the seizure.

30438. Any person owning or claiming any interest in the property may file a verified petition with the board stating his interest in the property and requesting the release or recovery of the property on the ground that the property was erroneously or illegally seized. Any person served personally or by mail under Section 30437 shall file the petition within 20 days from the date of the personal service upon him or the date of the mailing of the notice to him. Any person not served personally or by mail under that section shall file the petition within 20 days from the date of publication of the notice. The failure of any such person to file a timely verified petition shall constitute a bar to his right to any interest in the property, except insofar as the rights of any such person may be established in an action filed by the board under this chapter.

30439. If the board determines that the property was seized erroneously or illegally, it shall order the release of the property. If the board denies the petition for the release or recovery of the property, notice of the denial shall be mailed within five days to the petitioner.

30440. Within 20 days from the date of the mailing of the board's notice of denial of the petition, the petitioner may file an action against the board in the Superior Court of the County of Sacramento for the release or recovery of the property on the ground that the property was erroneously or illegally seized The failure of the petitioner to file a timely action shall constitute a bar to his right to any interest in the property, except insofar as the rights of the petitioner may be established in an action filed by the board under this chapter. The court shall determine whether the seizure of the property was in accordance with law and shall enter an appropriate order for the disposition of the property.

30441. Within 20 days after the seizure of property under this chapter, any person owning or claiming an interest in the property may offer to deposit with the board an amount of money equal to the fair market value of the property as determined by the board. If the board is satisfied that the property will not be used, transported or sold in violation of any provision of this part, the board shall accept the deposit and release the property. The money so deposited shall be held by the board in lieu of the seized property and shall be treated in all respects in the same manner as that property.

30442. Notwithstanding any other provisions of this chapter, upon making a seizure of property under Section 30436, the board may at any time prior to the sale or other disposition of the property commence an action to determine the rights of the state to the property. The action shall be commenced in the superior court of the county in which the seizure was made by petitioning the court for a judgment confirming the seizure and forfeiture of the property. The petition shall describe the property, the grounds for seizure and the time and place of the seizure.

30443. Copies of the petition shall be served personally or by registered or certified mail on all persons known by the board to have any right, title or interest in the property seized. Unknown persons, or any known person who cannot be found, having any right, title or interest in the property shall be served by one publication of the petition in the manner prescribed for publication of the notice of seizure and forfeiture under Section 30437.

30444. Any person claiming any right, title or interest in the property may within 20 days after service of the petition upon him file an answer to the petition. The answer shall allege facts to show the interest of the claimant in the property and to establish that the seizure and forfeiture was erroneous or illegal. A copy of the answer shall be served on the board at its office in Sacramento.

30445. If at the expiration of 20 days after the petition has been personally served, mailed or published there is no answer on file, the court shall within 30 days thereafter receive evidence in support of the seizure and forfeiture and shall, upon being satisfied of the validity thereof, enter judgment confirming the seizure and forfeiture.

30446. If a timely answer has been filed, the proceeding shall be set for hearing on a day within 30 days after the expiration of the period for filing of an answer. Notice of the hearing shall be given by the clerk of the court to each person filing an answer.

30447. At the time set for the hearing any person having a timely answer on file may offer evidence to establish that the seizure and forfeiture of the property was erroneous or illegal.

30448. The court shall determine whether the seizure of the property was in accordance with law and enter an appropriate order for the disposition of the property.

30449. Any property, except money, forfeited to the state under this chapter shall be sold by the board at public auction. The proceeds of the sale and any money forfeited to the state shall be deposited in the State Treasury to the credit of the General Fund.

SEC. 141.3. Section 30454 of the Revenue and Taxation Code is amended to read:

30454. The board or its authorized representative may make such examinations of the books, papers, records, and equipment of any person dealing in, transporting, or storing cigarettes and such other investigations as it may deem necessary in carrying out the provisions of this part.

In addition to any other reports required under this part, the board may, by rule and otherwise, require additional, other, or supplemental reports from licensed distributors, dealers, transporters, common and private carriers, warehousemen, bailees, and other persons, including reports of shipments of cigarettes from a point outside this state to a point within this state, and prescribe the form, including verification, of the information to be given on, and the times for filing of, such additional, other, or supplemental reports.

SEC. 141.5. Section 30462 of the Revenue and Taxation Code is amended to read:

30462. All money deposited in the Cigarette Tax Fund under this part is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, and shall, upon order of the State Controller, be drawn therefrom and allocated for the following purposes:

(a) To pay the refunds authorized by this part.

(b) To the Franchise Tax Board an amount not to exceed two million two hundred thousand dollars ($2,200,000).

(c) To the State Board of Equalization an amount not to exceed one million five hundred seventy-one thousand dollars ($1,571,000).

(d) To the Controller an amount not to exceed one hundred fifty thousand dollars ($150,000).

(e) To the counties, cities and cities and counties of this state an amount equal to thirty percent (30%) of the money in the fund which is derived from taxes imposed on and after October 1, 1967, such money to be allocated by the Controller on or before December 15, 1967, and on the 15th day of each month thereafter to each city, city and county and county in this state in the proportion that sales tax revenues transmitted pursuant to Part 1.5 (commencing with Section 7200) of this division to each such city, city and county and in the unincorporated territory of a county bear to the total of such revenue in the state.

(f) The balance remaining in the fund shall be transferred to the General Fund of this state.

The money allocated pursuant to subdivision (b) shall be transferred by the Controller in an amount not to exceed two million two hundred thousand dollars ($2,200,000) at the time or times specified by the executive officer of the Franchise Tax Board.

The money allocated pursuant to subdivision (c) shall be transferred by the Controller in an amount not to exceed one million five hundred seventy-one thousand dollars ($1,571,000) at the time or times specified by the executive secretary of the State Board of Equalization.

The allocation provided for in subdivision (e) shall not be made to any county, city and county or city which, after October 1, 1967, imposes a selective local tax on, or with respect to, the sale, distribution, use, consumption, or holding of cigarettes or any other tobacco product.

SEC. 142. Section 30475 of the Revenue and Taxation Code is repealed.

SEC. 143. Section 30475 is added to the Revenue and Taxation Code, to read:

30475. Any transporter who transports cigarettes upon the highways, roads or streets of this state without having obtained a permit or without having a permit in the transporting vehicle as prescribed by Section 30431 or without having in the transporting vehicle the invoices, bills of lading or delivery tickets for the cigarettes as prescribed by Section 30432 is guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars ($1,000) or be imprisoned for not more than one year in the county jail, or be subject to both fine and imprisonment in the discretion of the court.

SEC. 144. Section 30476 is added to the Revenue and Taxation Code, to read:

30476. Any person in possession or control of, or having access to, a cigarette vending machine who knowingly or willfully places for sale in the vending machine, any cigarettes not contained in packages to which are affixed California tax stamps or meter impressions, is guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars ($1,000) or be imprisoned for not more than one year in the county jail, or be subject to both fine and imprisonment at the discretion of the court.

SEC. 145. Section 30476 of the Revenue and Taxation Code is amended and renumbered to read:

30477. Any violation of the provisions of this part, except as otherwise provided, is a misdemeanor and is punishable as such.

SEC. 146. Section 32201 of the Revenue and Taxation Code is amended to read:

32201. (a) An excise tax is imposed upon all distilled spirits sold in this state or pursuant to Section 23384 of the

Business and Professions Code by manufacturers, distilled spirits manufacturer's agents, brandy manufacturers, rectifiers, or wholesalers, or sellers of distilled spirits selling distilled spirits with respect to which no tax has been paid within areas over which the federal government exercises jurisdiction, at the following rates:

On all distilled spirits of proof strength or less, one dollar and fifty cents ($1.50) per wine gallon, and at a proportionate rate for any quantity, until August 16, 1967, and on and after August 16, 1967, two dollars ($2) per wine gallon, and at a proportionate rate for any quantity.

All distilled spirits in excess of proof strength shall be taxed at double the above rate.

(b) For the privilege of possessing or selling distilled spirits of proof strength or less, as to the sale of which a tax not exceeding one dollar and fifty cents ($1.50) has been paid, every licensee under Division 9 of the Business and Professions Code (other than a licensee obligated to pay a tax upon the sale thereof pursuant to subdivision (a) of this section) shall pay a floor stock tax of fifty cents ($0.50) per wine gallon, and at a proportionate rate for any quantity, upon all distilled spirits possessed by such licensee at 12:01 o'clock a.m. on August 16, 1967. All distilled spirits in excess of proof strength shall be taxed at double the above rate. The tax imposed by this subdivision shall also be paid by any person who possesses such distilled spirits for sale pursuant to Sections 23100 to 23105, inclusive, of the Business and Professions Code. On or before October 30, 1967, each licensee or person subject to the tax imposed by this subdivision shall prepare and file with the board on forms prescribed by the board a return showing the amount of distilled spirits owned or possessed by him at 12:01 o'clock a.m. on August 16, 1967, that is subject to the tax imposed by this subdivision, and such other information as the board deems necessary for the proper administration of this part. The taxpayer shall deliver the return, together with a remittance of the amount of tax due, to the office of the board on or before such date.

All provisions, penalties and requirements in this part relating to excise taxes and provisions relative to payment of refunds, not inconsistent herewith, are applicable to the same force and extent with respect to the tax imposed under this subdivision.

SEC. 147. Article 2.5 (commencing with Section 12020) is added to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 2.5. Budget Reports

12020. The budget submitted by the Governor to the Legislature within the first 30 days of each regular session shall

contain a statement of accounts payable for the previous fiscal year and an estimate of accounts payable for the current fiscal year and the succeeding fiscal year.

The statements with respect to accounts payable shall be classified to show major expenditure classifications.

12021. The budget submitted by the Governor to the Legislature within the first 30 days of each regular session shall contain a statement of cash flow for the preceding fiscal year and an estimate of the cash flow for the current fiscal year and the succeeding fiscal year. The statement shall show for each month in each such year the income, expenditures, borrowing from individual funds and the borrowing capacity of such funds during each such month.

SEC. 148. Section 12427 is added to the Government Code, to read:

12427. Each year prior to the first day of November, the Controller shall audit all records of the Department of Finance for the preceding fiscal year. A report of the audit shall be submitted to the Legislature on the first day of the ensuing regular session of the Legislature.

SEC. 149. On the 61st day next following the final adjournment of the 1967 Regular Session of the Legislature, the Superintendent of Public Instruction shall determine and certify to the State Board of Equalization whether or not, based on his estimates, a law or laws were enacted at the 1967 Regular Session of the Legislature making one or more appropriations for the increased state support of school districts and county superintendents of schools maintaining the elementary and secondary schools in the public school system of this state above the levels of state financial support authorized by laws effective on June 30, 1967, for such purposes in the following amounts:

(a) For the 1967–68 fiscal year at least one hundred forty-five million dollars ($145,000,000).

(b) For the 1968–69 fiscal year at least three hundred million dollars ($300,000,000).

(1) If the Superintendent of Public Instruction determines that neither appropriation under (a) or (b) above has been enacted and become effective and so certifies, in that event, and in that event only, Sections 2, 4 and 6 of this act shall become operative on the first day of the calendar month following the calendar month in which the certification is made; at which time, Sections 6051, 6052.5 and 6201 of the Revenue and Taxation Code, as amended by Sections 1, 3, and 5 of this act, shall be repealed.

(2) If the Superintendent of Public Instruction determines that only the appropriation described in (a) above has been enacted and become effective and so certifies, Sections 1, 3, and 5 of this act shall continue to be operative except that the rate of sales and use taxes shall be 3½ percent rather than 4 percent on and after July 1, 1968, and Sections 2, 4, and 6 of this act shall not become operative.

(3) If the Superintendent of Public Instruction determines that only the appropriation in (b) above has been enacted and become effective and so certifies, Sections 1, 3, and 5 of this act shall continue in effect, except that on the first day of the calendar month following the calendar month in which the certification is made the rate of sales and use taxes shall be 3½ percent for a period to and including June 30, 1968, and 4 percent thereafter, and Sections 2, 4, and 6 of this act shall not become operative.

SEC. 150. It is the purpose of this act to raise money for state purposes and to relieve the cigarette industry of burdensome local cigarette taxes imposed by chartered cities and cities and counties, in order that cigarette taxes may be levied equitably and uniformly throughout the state. The allocations to local government provided for in this act are designed to relieve local government of the necessity of imposing such taxes and, therefore, the purpose of this act to tax cigarettes uniformly will be carried out.

SEC. 151. Funds allocated pursuant to subdivision (e) of Section 30462 of the Revenue and Taxation Code, as amended by Section 141.5 of this act, to any county, city and county or city shall be used for purposes which are of interest and benefit to the state.

SEC. 152. On and after July 1, 1968, one-fourteenth of the bank and corporation tax revenue shall be transferred to the Property Tax Relief Fund, which is hereby created, to be used when appropriated by the Legislature to provide replacement revenues to local government to replace revenues lost by reason of the repeal, or reduction of, the property tax on business inventories and household furnishings and personal effects.

SEC. 153. Out of the revenues made available by this act, ninety million dollars ($90,000,000) shall be expended when appropriated by the Legislature for the 1968–69 fiscal year and each fiscal year thereafter for capital outlay purposes only.

SEC. 154. With respect to the provisions specified in this section, the operative effect of such provisions of this act shall be as follows:

(a) The provisions of this act effecting changes in Part 1 (commencing with Section 6001), except Sections 2, 4 and 6 of this act, and Part 13 (commencing with Section 30001) of Division 2 of the Revenue and Taxation Code shall become operative at 12:01 o'clock a.m. on August 1, 1967.

(b) The provisions of this act effecting changes in Part 14 (commencing with Section 32001) of Division 2 of the Revenue and Taxation Code shall become operative on 12:01 o'clock a.m. on August 16, 1967.

(c) The provisions of this act effecting changes in the Personal Income Tax Law shall be applied in the computation of taxes for taxable years beginning on and after January 1, 1967.

(d) The provisions of this act effecting changes in the Bank and Corporation Tax Law shall be applied in the computation

of taxes on or measured by net income of calendar or fiscal years ending after December 31, 1966. Banks and corporations whose fiscal years began prior to January 1, 1967, and end on or before November 30, 1967, shall compute their tax by applying the rate in effect as of December 31, 1966, and the rate provided for in this act on and after such date, to their net income for the entire year in accordance with the method prescribed by Section 24251 of the Revenue and Taxation Code.

Any tax, for a taxable year specified in this act, in addition to that disclosed by the return, made necessary solely by amendments to this act, shall accrue on January 1, 1967, and shall be due and payable within 10 days from the date of notice and demand from the Franchise Tax Board. If not so paid, interest shall be added thereto in the manner provided by Section 25901 of the Revenue and Taxation Code. Such tax shall not be considered a deficiency assessment within the meaning of Article 1 (commencing with Section 25661) of Chapter 20 of Part 11 of Division 2 of the Revenue and Taxation Code.

Notwithstanding any other provision in the Bank and Corporation Tax Law, in computing the amount of estimated taxes due and payable on declarations of estimated tax to be filed on and after June 15, 1967, for any calendar or fiscal year covered by the provisions of this act, the rates of tax provided in this act shall apply. Any additional estimated tax shall accrue on the date the declaration of estimated tax is required to be filed and shall be due and payable within 10 days from the date of notice and demand from the Franchise Tax Board. If not so paid, interest shall be added thereto in the manner provided by Section 25901 of the Revenue and Taxation Code. Such tax shall not be considered a deficiency assessment within the meaning of Article 1 (commencing with Section 25661) of Chapter 20 of Part 11 of Division 2 of the Revenue and Taxation Code

SEC. 155. 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 such necessity are:

In order for the provisions of this act to apply for the 1967–1968 fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 964

An act to amend Section 19262 of, and to add Section 6376 to, the Revenue and Taxation Code, relating to taxes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 1, 1967. Filed with Secretary of State August 1, 1967.]

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

SECTION 1. Section 6376 is added to the Revenue and Taxation Code, to read:

6376. There are exempted from 25 percent of the taxes imposed by this part the gross receipts from the sale of and the storage, use or other consumption in this state of material and fixtures, if the sale, storage, use or other consumption in this state of the material and fixtures are obligated pursuant to an engineering construction project contract or a building construction contract entered into for a fixed price prior to August 1, 1967.

For the purposes of this section, tangible personal property shall not be deemed obligated pursuant to a contract for any period of time for which any party to the contract has the right to terminate the contract upon notice, whether or not the right is exercised.

SEC. 2. Section 19262 of the Revenue and Taxation Code is amended to read:

19262. If, in any estate assets having a total value of five thousand dollars ($5,000) are distributable to one or more nonresident beneficiaries, the final account of the fiduciary shall not be allowed by the probate court unless the fiduciary obtains from the Franchise Tax Board and files with the court a certificate to the effect that all taxes imposed by this part upon the estate or decedent which have become payable have been paid, and that all taxes which may become due are secured by bond, deposit or otherwise.

SEC. 3. 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 such necessity are:

In order for the provisions of this act to apply for the 1967–1968 fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 965

An act to amend Section 18734 of the Business and Professions Code, relating to amateur boxing.

[AB 579 having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature (See Section 9516, Government Code.) Filed with Secretary of State August 2, 1967.]

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

SECTION 1. Section 18734 of the Business and Professions Code is amended to read:

18734. No person under the age of 18 years shall participate as a contestant in any boxing contest, sparring or wrestling match, or wrestling exhibition, except that any person of the age of 17 years or over, who is a registered amateur boxer in this state or any state or territory where a person who has attained the age of 17 years may box legally, may participate in an amateur boxing contest held in this state.

Every contestant in an amateur boxing contest or sparring match shall be a registered amateur in the district in which he resides, and shall be examined by a physician immediately before the contest.

CHAPTER 966

An act to amend Section 13187.1 of the Education Code, relating to credentials for service in the public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 1, 1967. Filed with Secretary of State August 2, 1967.]

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

SECTION 1. Section 13187.1 of the Education Code is amended to read:

13187.1. (a) A credential which was issued prior to January 1, 1964, shall remain in force as long as it is valid and continues to be valid under the law and regulations of the State Board of Education. The State Board of Education may not by regulation invalidate such valid credential unless it issues to the holder thereof, in substitution, a new credential authorized by other sections of this article of an equivalent type and which new credential is no less restrictive than the credential for which it is substituted with respect to the kind of service which it authorizes, and the grades or classes of types of schools in which it authorizes service.

(b) Subject to the provisions of Section 13172, credentials issued prior to January 1, 1964, and credentials issued under subdivision (c) of this section may be renewed in accordance with regulations of the State Board of Education in effect on December 31, 1963.

(c) The State Board of Education shall issue the appropriate credentials authorized by the law operative, and the rules and regulations of the State Board of Education in effect, on December 31, 1963, to any person who, on November 1, 1963, has completed two years of college and on November 1, 1963, was either enrolled in a teacher education curriculum at any institution of higher learning approved by the California State Board of Education, or was engaged in teaching in a foreign country, after such person has completed the requirements for such credential and if the person is otherwise qualified for such credential under the law and rules and regulations. No credential shall be issued under this subdivision after September 15, 1967. However, no person shall be denied the issuance of a prior regular credential if he holds a provisional credential authorized by Sections 13117, 13118, and 13119, and on November 1, 1963, is working toward meeting the requirements of that prior regular credential in accordance with State Board of Education regulations; nor shall any person who, on November 1, 1963, is working toward meeting the requirements of a prior regular credential and on that date is enrolled in a teacher education program, be denied the issuance of a prior credential if because of active military service since September 15, 1961, he was prevented from meeting the educational requirements of a prior regular credential.

(d) The State Board of Education shall issue the appropriate credential authorizing service in an administrative or supervisory position requiring certification qualifications authorized by the law operative, and the rules and regulations of the State Board of Education in effect, on December 31, 1963, to any person who, on that date, had completed all requirements for the credential and was otherwise qualified to receive the same under such laws, rules and regulations, and who has not previously been issued such credential. A credential so issued shall be subject to the provisions of subdivision (a) of this section, as though issued prior to January 1, 1964.

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 such necessity are:

The complex nature of the statutory provisions relating to credential requirements has resulted in many cases of erroneous interpretations of law and poor advice to prospective teachers and to teachers seeking higher degrees and credentials. In many cases, due to erroneous interpretations of law and poor advice, individuals have neglected to avail themselves of the rights involved. In order to facilitate the desires

of the teachers of this state to secure additional training and education and to avail themselves of the rights involved, it is necessary that this act go into immediate effect.

CHAPTER 967

An act to amend Sections 31751 and 31752 of, and to add Section 31755 to the Education Code, relating to insurance for members of school athletic teams, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 31751 of the Education Code is amended to read:

31751. As used in this chapter:

(a) "Educational institution" means a school district of any kind or class, a state college, and the University of California

(b) "Governing board" means the governing board of a school district, the Trustees of the California State Colleges, and the Regents of the University of California.

(c) "Member of an athletic team" means member of any extramural athletic team engaged in athletic events on or outside the school grounds, maintained or sponsored by the educational institution or a student body organization thereof. "Member of an athletic team" also includes members of school bands or orchestras, cheerleaders and their assistants, pompom girls, team managers and their assistants, and any student or pupil selected by the school or student body organization to directly assist in the conduct of the athletic event, including activities incidental thereto, but only while such members are being transported by or under the sponsorship or arrangements of the educational institution or a student body organization thereof to or from a school or other place of instruction and the place at which the athletic event is being conducted.

Organized rooting sections, student body members who are spectators, and other spectator students, who are not actually participating in the conduct of the athletic event, are not members of an athletic team. Participants in a playday or field day activity occurring occasionally during a school year, in which students of one or more particular grade levels from two or more schools of a school district participate in athletic contests, are not members of an athletic team. Nothing in this section shall be construed as prohibiting a governing board from extending the applicability of the provisions of this article to any such persons, should the governing board elect so to do.

(d) "Student body organization" means any student organization under supervision of the educational institution or its officers.

SEC. 1.5. Section 31752 of the Education Code is amended to read:

31752. The governing board of any educational institution, except a school district of any kind or class, shall provide accidental death insurance in an amount of at least five thousand dollars ($5,000) for each member of an athletic team and shall in addition provide insurance protection for medical and hospital expenses resulting from accidental bodily injuries in an amount of at least five thousand dollars ($5,000) for all such services for each member of an athletic team, through group, blanket or individual policies of accident insurance from authorized insurers, or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code, for the death or injury to members of athletic teams arising while such members are engaged in or are preparing for an athletic event promoted under the sponsorship or arrangements of the educational institution or a student body organization thereof or while such members are being transported by or under the sponsorship or arrangements of the educational institution or a student body organization thereof to or from school or other place of instruction and the place of the athletic event; provided that the Trustees of the California State Colleges and the Regents of the University of California may authorize and require the student body organizations designated pursuant to this section, to be responsible for such medical and hospital expenses in any amount the trustees or the regents may specify, up to two hundred fifty dollars ($250), in which event such insurance protection for the health and accident expenses may include a deductible clause in the same amount.

The governing board of each school district of any kind or class shall provide accidental death insurance in an amount of at least one thousand five hundred dollars ($1,500) for each member of an athletic team and shall in addition provide insurance protection for medical and hospital expenses resulting from accidental bodily injuries in an amount of at least one thousand five hundred dollars ($1,500) for all such services for each member of an athletic team, through group, blanket or individual policies of accident insurance from authorized insurers or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code, for the death or injury to members of athletic teams arising while such members are engaged in or are preparing for an athletic event promoted under the sponsorship or arrangements of the educational institution or a student body organization thereof or while such members are being transported by or under the sponsorship or arrangements of the school districts or a student body organization thereof to or from school or other place of instruction and the

place of the athletic event. Minimum medical benefits under any insurance required by this paragraph shall be equivalent to the three dollars and fifty cents ($3.50) conversion factor as applied to the unit values contained in the minimum fee schedule adopted by the Division of Industrial Accidents of the State of California, effective October 1, 1966.

The Trustees of the California State Colleges and the Board of Regents of the University of California shall designate such student body organizations as they deem appropriate to bear the entire cost of the insurance under this article, in such proportions as they deem equitable, and shall make appropriate deductions from any such student body organization funds held by such institutions, or otherwise take such measures, as will assure the payment thereof.

The governing boards of the various school districts shall require that each member of an athletic team have insurance protection as prescribed by this section, with the costs of such insurance protection to be paid either out of the funds of the district, the funds of the student body, or by any other persons on behalf of, the individual team members or students covered by such insurance. In the event that the governing board of a school district should determine that a member of an athletic team or the parents, guardians or other person having charge or control of a member of an athletic team are financially unable to pay the costs of such insurance protection, then the governing board shall require the costs of such protection to be paid either out of funds of the district or funds of the student body.

The insurance required by this article shall be issued by an admitted insurer, or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code.

The insurance otherwise required by this section shall not be required for any individual team member or student who has such insurance provided for him in any other way or manner, including, but not limited to, purchase by himself, or by his parent or guardian.

SEC. 2. Section 31755 is added to the Education Code, to read:

31755. The insurance coverage provided under this article may contain the following provisions:

(1) School administrative authorities shall certify whether an injured student applying for the insurance benefits is a student of the educational institution and is enrolled as a member of an athletic team.

(2) The injured student, or his parents or guardian, shall notify school administrative authorities of his injury not later than 60 days from the date of injury.

(3) Medical or hospital care or treatment must commence within 120 days from the date of injury.

(4) The period of time for which benefits shall be payable is limited to 52 weeks from the date the student received his

first medical or hospital care or treatment. Benefits shall be payable only for such treatment as is given within the United States.

(5) Death benefits shall be paid only in the event death is medically determined to be caused by the injury and occurs within 52 weeks of the first medical or hospital care or treatment for such injury.

SEC. 2.5. The Insurance Commissioner shall study the operation and effect of Article 6 (commencing with Section 31751) of Chapter 5 of Division 22 of the Education Code and shall report thereon to the Legislature on or before the 30th legislative day of the 1968 Regular Session of the Legislature, including in his report his recommendations concerning necessary legislation in connection therewith.

The Insurance Commissioner shall conduct the study in consultation and cooperation with educational institutions and governing boards as defined in Section 31751 of the Education Code, and with persons and firms in the insurance industry. The study shall be particularly directed to, but not necessarily limited to, the efficacy of the conversion factor used for purposes of the statutory provisions in question, the exclusions, exemptions, reductions, and limitations which would serve to make the insurance program involved most effective, and the feasibility and desirability of a uniform insurance policy therefor.

There is hereby appropriated from the General Fund the sum of six thousand dollars ($6,000) for the purpose of carrying out the study required by this section.

SEC. 3. 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 such necessity are:

School districts have encountered difficulties in obtaining the required insurance for members of athletic teams. In order that insurance may be obtained for the beginning of the 1967–68 school year, it is necessary that this act take effect immediately.

CHAPTER 968

An act to add Section 13007.5 to the Education Code, relating to employee health plans.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 13007.5 is added to the Education Code, to read:

13007.5. The governing board of any school district may use school district funds for cash deposits, when required to

guarantee payment for health plans purchased on credit for school district employees.

CHAPTER 969

An act to add Section 16056.1 to the Education Code, relating to school district property.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 16056.1 is added to the Education Code, to read:

16056.1. In lieu of the declaration of intention to lease real property provided in Section 16056, the governing board of any school district having an average daily attendance of 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding year may publish a notice three times in a period of not less than 15 days in a newspaper of general circulation published in the district. The notice shall describe the property proposed to be leased in such manner as to identify it and shall specify the minimum rental and terms upon which it will be leased. The notice shall fix a time not less than 15 days thereafter for a public meeting of the governing board to be held at its regular place of meeting at which proposal to lease will be received and considered.

The governing board by majority vote may adopt a ruling designating to such officer or employee of the district as the board may designate, authority to perform the duties prescribed in this section.

Bids received under this section shall be received, accepted, or rejected in accordance with the provisions of this article.

CHAPTER 970

An act to amend Section 6062 of the Business and Professions Code, relating to attorneys.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 6062 of the Business and Professions Code is amended to read:

6062. To be certified to the Supreme Court for admission, and a license to practice law, a person, who has been admitted to practice law outside of this state, shall:

a. Be a citizen of the United States.

b. Be of the age of at least 21 years.

c. Be of good moral character.

d. Have been a bona fide resident of this state for at least three months immediately prior to the date of his examination and continuing to and including the date of his admission.

e. Have been admitted to practice before the highest court of a sister state or of any jurisdiction where the common law of England constitutes the basis of jurisprudence and (1) have been actively and substantially engaged in the practice of law in any such jurisdiction or jurisdictions for at least four years out of the six years immediately preceding the filing of his application for admission to practice in this state or (2) demonstrated to the satisfaction of the examining committee that his experience and qualifications qualify him to take an examination. Teaching in a law school accredited by the committee and services as a judge of a court of law shall be considered practice within the meaning of this section. In determining what constitutes practice for at least four years out of the next six years immediately preceding the filing of the application, time spent, subsequent to September 16, 1940, and prior to two years after termination of hostilities between the United States and the nations with which the United States is now at war as determined by Act of Congress or Proclamation of the President, in active duty as a member of the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, or any of their respective components, or on active sea duty as an officer or member of the crew on or in connection with vessels documented under the laws of the United States, or vessels owned by, chartered to, or operated by or for the account or use of, the War Shipping Administrator, when the applicant is not engaged in the practice of law within the meaning of this requirement shall be excluded.

(f) Have passed such examination as in the discretion of the examining committee may be required.

CHAPTER 971

An act to amend Section 692 of the Code of Civil Procedure, relating to notice of sale of property.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 692 of the Code of Civil Procedure is amended to read:

692. Before the sale of property on execution or under power contained in any deed of trust on real property or any mortgage on real property, notice thereof must be given as follows:

1. In case of perishable property: by posting written notice of the time and place of sale in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for such time as may be reasonable, considering the character and condition of the property.

2. In case of other personal property: by posting a similar notice in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for not less than five days nor more than 10 days.

3. In case of real property: by posting a similar notice particularly describing the property at least 20 days before date of sale, in one public place in the city where the property is to be sold if the property is to be sold in a city, or, if not, then in one public place in the judicial district in which the property is to be sold and publishing a copy thereof once a week for the same period, in some newspaper of general circulation published in the city in which the property or some part thereof is situated, if any part thereof is situated in a city, if not, then in some newspaper of general circulation published in the judicial district in which the property or some part thereof is situated, or, in case no newspaper of general circulation is published in the city or judicial district, as the case may be, in some newspaper of general circulation published in the county in which the property or some part thereof is situated; provided, that where real property is to be sold under power of sale contained in any deed of trust or under power of sale contained in a mortgage or where real property is to be sold under execution upon a judgment a copy of said notice shall be posted in some conspicuous place on the property to be sold, at least 20 days before date of sale. The term newspaper of general circulation as used herein is as defined in Article 1 (commencing with Section 6000) of Chapter 1, Division 7, Title 1 of the Government Code.

4. When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section must state the kind of money or currency in which bids may be made at such sale, which must be the same as that specified in the judgment.

CHAPTER 972

An act to amend Section 6817 of the Public Resources Code, relating to the disposition of revenues from tide and submerged lands.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 6817 of the Public Resources Code is amended to read:

6817. (a) The Controller shall annually as of June 30th of each calendar year apportion for the fiscal year ending on such date to each city or county having within its boundaries ungranted tide and submerged lands or such other tide and submerged lands granted to it by the state in which the state has reserved the rights to the mineral deposits contained therein, one percent (1%) of the revenues paid to the state under Article 4 (commencing with Section 6871) of this chapter from such tide and submerged lands which are within the limits of the particular county or city, except that the total amount apportioned to each city or county in each year shall not exceed seventy-five thousand dollars ($75,000) per mile, or fraction of a mile, of ocean frontage within and owned or operated as a park by such city or county and leased by the State Lands Commission for the production of oil, gas, and other hydrocarbons, and only in those cases where such ocean frontage is available to the public free of charge for recreational purposes. For the purposes of this section tide and submerged lands within the limits of a city shall not be deemed to be within the boundaries of a county except in the case of a city and county. The State Lands Commission shall at the time of remitting revenues to the State Treasury received under Article 4 (commencing with Section 6871) of this chapter report to the State Controller the total amount of the revenue paid from the tide and submerged lands to the state shown with respect to each city or county to which such amount is applicable. The apportionment for any given fiscal year shall be based upon the physical facts with respect to each city or county existing on June 30th of the next preceding fiscal year. The report of the State Lands Commission and the apportionments of the Controller shall be final.

(b) The amounts paid to the several cities and counties shall be deposited in a special tide and submerged lands fund established by such cities or counties, to be held in trust and to be expended only for the promotion and accommodation of commerce, navigation, and fisheries, for the protection of the lands within the boundaries of the cities and counties, and for the promotion, accommodation, establishment, improvement, operation, and maintenance of public recreational beaches and coastline for the benefit of all the people of the state.

(c) The Legislature hereby finds and declares that the purposes specified in subdivision (b) constitute matters of statewide interest and that the expenditure of funds for such purposes will benefit all of the people of the state.

This section shall be operative with respect to all revenues received in the State Treasury on and after October 1, 1963.

SEC. 2. The amendment of Section 6817 of the Public Resources Code made by Section 1 of this act is declaratory of existing law, and any apportionments heretofore made pursuant to subdivision (a) of Section 6817 are hereby ratified and confirmed.

CHAPTER 973

An act to amend Section 10837 of, and to add Sections 10662 and 10663 to, the Fish and Game Code, relating to refuges.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 10662 is added to the Fish and Game Code, to read:

10662. Notwithstanding any other provision in this code, it shall be unlawful for any person to fire a firearm, but it shall not be unlawful to possess a firearm in the following areas:

All of T. 5 S., R. 5 E., except Sections 1, 2, 11, 12, and 13, of Fish and Game District 4D.

SEC. 1.5. Section 10663 is added to the Fish and Game Code, to read:

10663. In Fish and Game Refuge 4-D the lawful occupant of privately owned lands or the employees of such occupants may possess firearms without a permit.

SEC. 2. Section 10837 of the Fish and Game Code is amended to read:

10837. The following constitutes Fish and Game District 4D: All that area within the County of Riverside described as follows:

Beginning at the intersection of State Highway 74 and Highway 111 in Section 20, T. 5 S., R. 6 E., S.B.B. & M.;

Thence northwesterly on State Highway 111 to its intersection with the south bank of the Palm Canyon wash and the east boundary of Section 25, T. 4 S., R. 4 E., S.B.B. & M.;

Thence southwesterly and southerly along east bank of Palm Canyon wash through said Section 25, Sections 36 and 35, T. 4 S., R. 4 E., S.B.B. & M. and Sections 2, 11, 14, 23, 25 and 36, T. 5 S., R. 4 E., S.B.B. & M.;

Thence continuing along the east bank of said Palm Canyon wash through Sections 1, 12, 13, T. 6 S., R. 4 E., and continu-

ing through Sections 18, 19, 30 and 31, T. 6 S., R. 5 E., to a point of intersection with Omstott Creek;

Thence along the north bank Omstott Creek through Section 31, T. 6 S., R. 5 E., and continuing through Sections 5, 4, 9, 10, T. 7 S., R. 5 E., to the north line of said State Highway 74;

Thence easterly along north line of said Highway 74 to a point of intersection with the north line Section 12, T. 7 S., R. 5 E.;

Thence east along north line of said Section 12 to the northeast corner of said Section 12;

Thence south along the easterly boundary of Sections 12, 13, 24, 25 and 36, T. 7 S., R. 5 E.; and the easterly boundary of Section 1, T. 8 S., R. 5 E., to the point of intersection with the southwesterly corner of Section 31, T. 7 S., R. 6 E.;

Thence east and along the southerly boundary of said Section 31 and Sections 32, 33, 34 and 35, to the southeast corner of Section 36, T. 7 S., R. 6 E.;

Thence north along the easterly boundary of Sections 36, 25, 24, 13 and 12 to the northeast corner of Section 1, T. 7 S., R. 6 E ;

Thence west along the north line of said Section 1 to the southeast corner of Section 36, T. 6 S., R. 6 E.;

Thence north along the east line of said Section 36, Sections 25, 24 and 13 to the southwest corner of Section 7, T. 6 S., R. 7 E.;

Thence east along the south line of said Section 7 to the southeast corner thereof;

Thence north along the east line of said Section 7 and Section 6 of said T. 6 S., R. 7 E., to the northeast corner of said Section 6;

Thence west along the north line of said Section 6 of said T. 6 S., R. 7 E. to Marshall Street;

Thence north along Marshall Street and on the $\frac{1}{4}$ section line of Sections 31 and 30, T. 5 S., R. 7 E. to Highway 111;

Thence westerly along Highway 111 to the point of beginning.

CHAPTER 974

An act to add Section 1160.5 to the Harbors and Navigation Code, relating to bar pilots, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 1160.5 is added to the Harbors and Navigation Code, to read:

1160.5. Notwithstanding the provisions of Section 1160, the commission may until March 1, 1969, issue temporary bar

pilot's licenses sufficient to bring the total number of bar pilot's licenses force to 30. All temporary licenses issued pursuant to this section shall terminate March 1, 1969, provided, however, that if prior to such date the number of permanent licenses in force falls below 25 the commission may issue a sufficient number of permanent licenses to persons holding temporary licenses under this section to restore the number of permanent licenses to 25. Such permanent licenses shall be issued in the same relative order as the temporary licenses were issued. A temporary license issued under this section shall be renewed in the same manner as a permanent license but shall terminate on March 1, 1969.

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 such necessity are:

The current hostilities in Vietnam have resulted in a substantial increase in the volume of shipping to and from the San Francisco, San Pablo and Suisun Bays. Delay in the movement of such shipping would adversely affect this country's military effort in Vietnam. In order that such delay may be avoided it is necessary that the additional bar pilots for whom this act provides be made available at the earliest possible time. The act is therefore made an emergency measure to take effect immediately.

CHAPTER 975

An act to add Section 13458.5 to the Education Code, relating to junior colleges.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 13458.5 is added to the Education Code, to read:

13458.5. Notwithstanding any other provision of this code, the governing board of any district which maintains a junior college may grant a leave of absence under Section 13457 to any employee engaged in a teaching position in grade 13 or 14 who has rendered service to the district for at least six consecutive years preceding the granting of the leave, but not more than one such leave of absence shall be granted in each six-year period. The governing board granting the leave of absence may, subject to the rules and regulations of the State Board of Education, prescribe the standards of service which shall entitle the employee to the leave of absence. No absence from the service of the district under a leave of absence, other than a leave of absence granted pursuant to Section 13457, granted

by the governing board of the district shall be deemed a break in the continuity of service required by this section, and the period of such absence shall not be included as service in computing the six consecutive years of service required by this section. Service under a national recognized fellowship or foundation approved by the State Board of Education, for a period of not more than one year, for research, teaching or lecturing shall not be deemed a break in continuity of service, and the period of such absence shall be included in computing the seven consecutive years of service required by this section.

CHAPTER 976

An act to add Article 4 (commencing with Section 3580) to Chapter 19 of Division 1 of the Financial Code, relating to bank investments in foreign banks.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Article 4 (commencing with Section 3580), is added to Chapter 19 of Division 1 of the Financial Code, to read:

Article 4. Bank Investments in Foreign Banks

3580. Any bank may, with the consent of the superintendent, upon such conditions and under such regulations as he may prescribe, acquire and hold, directly or indirectly, the stock or other evidences of ownership in one or more banks organized under the laws of a foreign country or a dependency or insular possession of the United States and not engaged, directly or indirectly, in any activity in the United States except as, in the judgment of the superintendent, shall be incidental to the international or foreign business of such bank. The aggregate amount invested by any bank in such stock or other evidences of ownership shall not in any way be subject to, or included in, the limitations prescribed in Sections 535, 3513, 3560, and 3570, but such aggregate amount invested directly or indirectly (other than through a corporation organized under Article 1 (commencing with Section 3500) of this chapter or operating under Article 2 (commencing with Section 3560) or Article 3 (commencing with Section 3570) of this chapter) in the stock or other evidences of ownership of all foreign banks, taken together with investments by the subscribing bank in the shares of corporations organized under Article 1 (commencing with Section 3500) of this chapter or operating under Article 2 (commencing with Section 3560) or Article 3 (commencing with Section 3570) of this chapter

and in foreign branches established under the provisions of Article 2 (commencing with Section 530) of Chapter 4 of this division, shall not at any one time exceed 25 percent of the subscribing bank's capital and surplus.

CHAPTER 977

An act to amend Sections 1712.5, 1714, and 1731 of, to repeal Sections 1704, 1705, and 1706 of, and to add Sections 1704 and 1705 to, the Insurance Code, relating to insurance.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 1704 of the Insurance Code is repealed.

SEC. 2. Section 1704 is added to the Insurance Code, to read:

1704. Every applicant for a license to act as a life agent, an insurance agent, or a travel insurance agent shall have filed on his behalf with the commissioner a notice of appointment executed by an insurer, or its authorized representative, admitted to transact one or more classes of insurance included within the scope of the license sought, appointing the applicant, upon licensing, its agent within this state. Additional notices of appointment may be filed by other insurers before such license is issued and thereafter as long as such license remains in force. Each such appointment shall by its terms continue in force until:

(a) The termination of the license applied for or held at the time such appointment was filed.

(b) The filing of a notice of termination by the insurer or by such life agent, insurance agent or travel insurance agent.

A notice of termination of appointment filed pursuant to this section shall not terminate the license if one or more other effective notices of appointment pertaining to such license remain on file.

SEC. 3. Section 1705 of the Insurance Code is repealed.

SEC. 4. Section 1705 is added to the Insurance Code, to read:

1705. An insurer by filing a notice of appointment on behalf of an applicant for an original license pursuant to Section 1704, and who is not then licensed pursuant to this chapter or Chapter 6 (commencing with Section 1760), Chapter 7 (commencing with Section 1800) or Chapter 8 (commencing with Section 1831) of Part 2 of Division 1, shall be deemed by such act to have declared that:

(a) The applicant is of good reputation.

(b) The applicant is worthy of the license sought.

An insurer by filing a notice of appointment on behalf of an applicant for an original license to act as a life and disability agent, life only agent, disability only agent, or insurance agent, where the applicant for any reason will not be issued a certificate of convenience pending examination under Article 8 (commencing with Section 1685) of this chapter, shall be deemed to have declared that the applicant has had experience or instruction in classes of insurance, the transaction of which is authorized by the license sought, or will be given the necessary instruction within 30 days after the issuance of such license.

Should such applicant be a copartnership, corporation, or association, the insurer filing such appointment shall be deemed to have made the declarations set forth in subdivisions (a) and (b) of this section as regards both the business organization and each natural person whose name appears in the application as one to exercise the agency powers of the license sought. The insurer shall be deemed to have made the declaration in the preceding paragraph only as regards the natural person or persons to be named on the organization's license initially.

Whenever a copartnership, corporation or association licensed as a life agent or as an insurance agent files an application to add to any such license the name of a natural person to exercise the agency powers thereunder, such business organization shall be deemed to have made the appropriate declarations regarding such natural person, as set forth in this section, as are required of an insurer filing a notice of appointment on behalf of an applicant for an original license.

SEC. 5. Section 1706 of the Insurance Code is repealed.

SEC. 6. Section 1712.5 of the Insurance Code is amended to read:

1712.5. The license of an organization licensed as an insurance agent, life agent, or insurance broker shall become inoperative upon:

(a) The termination of all insurer appointments; or

(b) The removal of the last natural person named thereon.

Unless such license is reactivated within 30 days by the correction of all deficiencies including, if necessary,

(a) The filing of a notice of appointment of agent by an admitted insurer, or

(b) The adding of a natural person to transact insurance under the authority of the organization's license pursuant to Section 1661,

the license shall automatically terminate and the physical evidence of the license shall be returned by its lawful custodian to the commissioner for cancellation.

SEC. 7. Section 1714 of the Insurance Code is amended to read:

1714. A natural person who is otherwise entitled in all respects to be licensed as a life agent, an insurance agent, or insurance solicitor, but has never had an insurer appointment or has had all the same terminated, or has never filed a statement of employment or has had the same terminated, has the

right upon request to be issued a certificate stating that a license of the same type will be issued upon the filing of such an appointment or such a statement, as the case may be. Such right must be renewed in the same manner and subject to the payment of the same fees as the license to which it relates. In all events the right to receive an actual license must be exercised at least 90 days before the end of the license term of the certificate's second renewal.

The provisions of this section shall not permit such person to take an examination for a license as a life agent, an insurance agent or an insurance solicitor unless at the time of the administration thereof he is in compliance with Section 1704 or 1657 as the case may be.

A solicitor who files a statement of employment for a new employer within 30 days after termination of his prior employment need not request such a certificate and will be issued without fee a license naming the new employer for a term ending on the same date as that stated in the former license.

SEC. 8. Section 1731 of the Insurance Code is amended to read:

1731. If a person be licensed to act as an insurance broker and as an insurance agent, he shall be deemed to be acting as an insurance agent in the transaction of insurance placed with those insurers for whom a notice of appointment has been filed with the Insurance Commissioner in accordance with Section 1704 and is then in force.

CHAPTER 978

An act to add Part 10 (commencing with Section 98000) to Division 10 of the Public Utilities Code, relating to the Santa Cruz Metropolitan Transit District.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Part 10 (commencing with Section 98000) is added to Division 10 of the Public Utilities Code, to read:

PART 10. SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definitions

98000. This part shall be known and cited as the "Santa Cruz Metropolitan Transit District Act of 1967."

98001. Unless the context otherwise requires, the provisions of this article govern the construction of this part.

98002. "District" means the Santa Cruz Metropolitan Transit District formed under this part.

98003. "Board" means the board of directors of this district.

98004. "Voter" means any elector who is registered under the Elections Code.

98005. "Transit" means the transportation of passengers only and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual fare-paying basis. Nothing in this section shall be construed to prohibit the district from leasing its buses to private certified public carriers or to prohibit the district from providing schoolbus service for the transportation of pupils between their homes and schools.

98006. "Transit works" or "transit facilities" means all real and personal property equipment, rights, or interests owned or to be acquired by the district for transit service.

98007. "Officer" means the general manager and the directors on the board.

Article 2. General Provisions

98010. It is necessary that a transit district be established in the Santa Cruz metropolitan area which includes the Cities of Santa Cruz and Capitola and adjacent unincorporated territory in order to remedy the public transit problem of the area. The geographic location of the city in relation to the adjacent unincorporated territory requiring transportation services makes it necessary to develop a single transit system to protect the public interest and welfare.

98011. The Santa Cruz Metropolitan Transit System may be created as provided in this part and when so created may exercise the powers herein granted.

98012. Except as otherwise provided in this part elections shall be held and conducted and the result ascertained, determined, and declared in all respects as nearly as practicable in conformity with the general election laws of the state.

98013. Except as otherwise provided in this part all ordinances and notices which are required to be published shall be published within the district pursuant to Section 6066 of the Government Code.

98014. Whenever the signature of any officer or employee of a district or of any member of the retirement board or of any officer or employee of the retirement system is authorized or required under the provisions of this part, except in the single instance provided in Section 98335, the signature may be made by the use of a plate bearing facsimiles of such signatures.

CHAPTER 2. FORMATION OF DISTRICT

Article 1. General Provisions

98020. The County of Santa Cruz may organize and incorporate the Santa Cruz Metropolitan Transit District.

98021. The request for the formation of the Santa Cruz Metropolitan Transit District may be made by resolution or by petition as set out in this chapter.

98022. The district may include incorporated and unincorporated territory within the County of Santa Cruz.

Article 2. Request by Resolution

98030. The Board of Supervisors for the County of Santa Cruz, the Santa Cruz City Council and the Capitola City Council may pass a joint resolution, declaring that in their opinion, public interest or necessity demands the creation and maintenance of the Santa Cruz Metropolitan Transit District.

98031. The resolution may state the transit facilities proposed to be first acquired, but failure to acquire such transit facilities shall not affect the validity of the district. The resolution shall set forth and describe the boundaries of the proposed district.

98032. Certified copies of the resolution shall be presented to the Board of Supervisors of Santa Cruz County requesting the board of supervisors to call an election without delay for determining whether the district will be created.

Article 3. Request by Petition

98040. Instead of a resolution, a petition may be presented to the board of supervisors signed by voters within the proposed district equal in number to at least 25 percent of the total vote cast at the last general election.

98041. The petition shall contain substantially the same declarations and statements required to be contained in the resolution presented to the board of supervisors under this chapter, including the description of the boundaries, and declare that, in the opinion of the petitioners, public interest or necessity demands the creation and maintenance of the metropolitan transit district.

98042. The petition may be on separate papers, but each paper shall contain the affidavit of the person who circulated it certifying that each name signed thereto is a true signature of the person whose name it purports to be.

98043. The County Clerk of the County of Santa Cruz shall compare the signatures to the petition with the affidavits of registration and certify to their sufficiency or insufficiency.

Article 4. Election

98050. Upon adoption of the resolution or of a sufficient petition, the board of supervisors shall hold a hearing on the question of forming a Santa Cruz Metropolitan Transit District. All interested persons shall be given an opportunity to express their views at the hearing.

98051. The board of supervisors shall submit the boundaries for the district as described in the resolution or petition to the local agency formation commission for review. The local agency formation commission shall have the authority to adjust the boundaries so as to exclude areas which would not receive reasonable benefit from inclusion in the district, but no incorporated area shall be divided so that part of it is within and part outside the district.

98052. Upon conclusion of the board of supervisors' hearing and completion of the review of the boundaries for the proposed district by the local agency formation commission, the board of supervisors shall in case of initiation by petition of voters and in case of initiation by resolution call an election within the proposed district for the purpose of determining whether the proposed district will be created and established.

98053. Prior to calling the election, the board of supervisors shall by resolution, entered upon its minutes:

(a) Fix and describe the exterior boundaries of the proposed district as determined by the local agency formation commission.

(b) Fix the date on which an election will be held in the proposed district and the hours during which the polls will be open.

(c) State the purpose for which the election is held.

98053.5. The election shall be held not less than 60 days nor more than 90 days from the date of the adoption of the resolution prescribed by Section 98030.

98054. The election shall be called by publishing notice calling the election pursuant to Section 6066 of the Government Code not less than 20 days before the election. Said notice need only specify the time and place of the election, the hours during which the polls will be open, the purpose of the election, and the description of the exterior boundaries of the proposed district as determined by the board of supervisors.

98055. The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition thereto the following:

Shall the "Santa Cruz Metropolitan Transit District" be created and established?	YES	
	NO	

98056. No person shall be entitled to vote at the election unless he is a voter of the territory included in the proposed district.

98057. The election may be held on the same day as any other state, county, or city election, and be consolidated therewith.

98058. The board of supervisors shall meet on the Tuesday next succeeding the day of the election and canvass the returns.

98059. The board of supervisors shall make all provisions for the holding of the election throughout the district as proposed, and the cost of said election shall be a charge against the general funds of the county.

98060. If any special election is held exclusively on the proposition or propositions related to the transit district organization, bond issuance, raising of tax levy, or any other transit district purpose, the expenditures therefor shall be reimbursed to the county by means of a tax on all the taxable property within the district, and this tax shall be added to the next county tax bills by the proper official of the county.

Article 5. Establishment of the District

98070. If a majority of the electors voting on the proposition vote in favor of the creation and establishment of the district, the board of supervisors shall cause a certified copy of the order declaring the result of the election to be filed in the office of the Secretary of State, from and after which the establishment of the district shall be deemed complete.

Article 6. Contest of Incorporation

98080. No informality in any proceeding or in the conduct of the election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of the district. Any proceedings wherein the validity of incorporation is denied shall be commenced within three months from the date of filing the order declaring the result of the election with the Secretary of State, otherwise the incorporation and the legal existence of the district shall be held to be valid and in every respect legal and incontestable.

CHAPTER 3. INTERNAL ORGANIZATION OF DISTRICT

Article 1. Government

98100. The district shall be governed by a seven-member board of directors composed of four members appointed by the City Council of the City of Santa Cruz, two members appointed by the board of supervisors, and one member appointed by the City Council of the City of Capitola. This apportionment is based upon population distribution within

the district, and the board shall reapportion its membership whenever any part of the district is excluded or new territory is added or unincorporated territory within the district incorporates, and, as a result of such exclusion, annexation or incorporation, representation on the board no longer reflects the population distribution within the district. The board shall also reapportion whenever the county clerk advises the board that the latest official census indicates a need for reapportionment.

98101. The appointees to the board made by the several legislative bodies shall have been residents of the area encompassed by the district for at least one year prior to their appointment, and they shall also be residents of the municipality or unincorporated area whose legislative body appointed them, provided that the board of supervisors may appoint one of its own members to the board who need not reside within the district.

98102. These appointments shall be made within 30 days after the formation of the district.

98103. A person shall not be appointed to or be a member of the board unless he is a resident of the district and has resided within the district at least one year immediately prior to his appointment to the board.

98104. The term of office of each director is four years from the time of his appointment, except that for the board just appointed, at least one appointee of each legislative body shall have a two-year term.

98105. The first meeting of the board shall be held within 10 days of the appointment of the last director by a legislative body. The board shall make its own rules of procedure and determine the place and time of its meetings.

98106. The board shall select one of its members chairman, and one vice chairman, who shall preside in the absence of its chairman. The board shall provide for and select a secretary and such other officers as it deems necessary to conduct the affairs of the district.

Article 2. Powers and Duties of Directors

98110. The chairman is the presiding officer of the board.

98111. All matters and things necessary for the proper administration of the affairs of the district which are not provided for in this part shall be provided for by the board.

98112. The board shall supervise and regulate every transit facility owned and operated by the district, including the fixing of rates, rentals, charges and classifications, and the making and enforcement of rules, regulations, contracts, practices, and schedules, for or in connection with any transit facility owned or controlled by the district.

98113. The board may either operate the transit system itself or a part thereof or it may contract with any other public or private agency or corporation to operate all or part of the

transit system for the district or it may contract with any other public or private agency or corporation for the improvement in transit services, facilities, equipment or operations being operated and conducted by said agency or corporation in, and, or, out of, the district.

98114. The board may adopt a personnel system for the purpose of recruiting and maintaining an effective working force with good morale. The board shall by resolution determine and create such number and character of positions as are necessary properly to carry on the functions of the district and shall establish an appropriate salary, salary range, or wage for each position so created The board may by resolution abolish any such position. Except as otherwise provided, appointments to such positions shall be made by the general manager.

98115. The board may from time to time contract for or employ any professional service required by the district or for the performance of work or services which cannot satisfactorily or economically be performed by the regular employees of the district.

98116. The board shall have an annual audit of all books and accounts of the district made by a certified public accountant or public accountant or by the county auditor, for whose services the county will be reimbursed. A copy of the annual audit shall be sent to the board of supervisors and to the city council of each city within the district.

98117. The board may provide by resolution, under such terms and conditions as it sees fit, for the payment of demands against the district without prior specific approval thereof by the board if the demand is for a purpose for which an expenditure has been previously approved by the board and in an amount no greater than the amount so authorized, and if the demand is approved by the general manager.

98118. To facilitate the business of the district, the board may provide for the creation and administration of such funds as the needs of the district may require. The funds shall be disbursed in accordance with rules established by the board and all payments from any fund shall be reported to the board.

98119. None of the territory which is within the district shall be annexed to any other transit district unless the board, by resolution, approves the annexation of such territory to such other transit district.

Article 3. Meetings and Legislation

98130. All meetings of the board shall be conducted in a manner prescribed by the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code.

98131. A majority of the board constitutes a quorum for the transaction of business.

98132. The board shall establish rules for its proceedings and board members shall be allowed necessary traveling and personal expenses incurred in performance of duties authorized by the board.

98133. The acts of the board shall be expressed by motion, resolution or ordinance. No ordinance shall be passed until a public hearing has been held on it, which hearing shall be advertised in a newspaper of general circulation or posted in at least three public places at least 15 days prior to the hearing. No ordinance shall be adopted by the board on the day of its introduction, and no ordinance, resolution or motion shall have any validity or effect unless passed by the affirmative votes of a majority of the directors.

98134. All ordinances shall be printed after passage, and maintained in the district's offices.

98135. The enacting clause of all ordinances shall be as follows:

"Be it enacted by the Board of Directors of the Santa Cruz Metropolitan Transit District:" All ordinances shall be signed by the chairman of the board or the vice chairman and attested by the secretary.

Article 4. Other Offices

98140. The board may, by an affimative vote of the majority of its members, appoint and fix the salary of a general manager, who shall have the responsibility for the proper administration of the district in accordance with state law and such ordinances, resolutions and policies as may be established by the board.

The general manager shall not be a member of the board, nor shall he have been a member of the board within the year immediately preceding his appointment.

98141. The general manager may be removed by the board upon the adoption of a resolution by the affirmative vote of not less than a majority of the board. The board may not reduce the salary of the general manager below the amount fixed at the time of his original appointment except upon the adoption of a resolution by a like vote. The action of the board in suspending or removing the general manager or reducing his salary, if approved by a majority of the membership of the board, is final.

98142. The oath of all appointive officers of the district shall be taken, subscribed, and filed with the secretary of the district at any time after the officer has notice of his appointment but not later than 15 days after the commencement of his term of office. No other filing is required.

98143. Each appointive officer shall give such bond and in such amount as the board may require.

98144. The board shall establish by resolution the powers and duties of the general manager.

98145. The general manager shall prepare, within 90 days from the end of each fiscal year, a financial report showing the result of operations for the preceding fiscal year and the financial status of the district on the last day thereof. A copy of this report shall be delivered to the board of supervisors, each city council within the district, and a copy shall be made available to the public.

98146. At least 30 days prior to the end of the fiscal year, the general manager shall prepare a proposed annual budget for the district. Prior to the time this budget is formally adopted by the board, copies thereof will be sent to the board of supervisors and each city council within the district.

98147. The general manager shall provide for the custody of the funds of the district and the keeping of accounts of all receipts and disbursements Payments shall be made only upon warrants duly and regularly signed by the chairman or vice chairman of the board, or other person authorized by the board to do so, and by the general manager or secretary.

98148. With the consent of the board, the general manager may:

(a) Authorize the trust department of any state or national bank in this state, or a trust company authorized to act as such in this state, to receive as his agent deposits of any securities acquired by the district.

(b) Place and maintain for safekeeping as a trust deposit with the trust department of any state or national banks in this state, or a trust company authorized to act as such in this state, any securities owned by the district.

The bank or trust company, selected, shall have a total paid-in capital of at least one million dollars ($1,000,000). The general manager shall take from the trust department or trust company a receipt for the securities, and neither the general manager nor the district is responsible for the custody and safe return of the securities until they are withdrawn from the trust department or trust company by the general manager. Any trust department or trust company to which securities are delivered, either as agent or depository for the general manager, shall make such deposition of the securities as the general manager directs and is responsible only for strict compliance with written instructions given to it by the general manager. All such securities are at times subject to the order of the general manager.

98149. The board may appoint a regular attorney who shall serve at the pleasure of the board or it may engage an attorney from time to time as the need arises. If they declare themselves available, the county counsel or the attorneys for any of the cities within the district shall be eligible to provide legal advice to the board at a reasonable rate of compensation.

CHAPTER 4. LABOR PROVISIONS

98160. Appointments and promotions in the service of the transit district shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination.

98161. All citizens shall have equal opportunity to obtain and hold employment, and to advance therein, without discrimination because of race, religion, color, national origin or ancestry.

98162. All employees of the district are to be free from interference, coercion and restraint in associating themselves together for their mutual benefit in connection with their employment. They may designate representatives of their own choosing and collectively or individually they may exercise their right of petition to the transit district board concerning wages, hours, or other conditions of employment.

98163. Whenever any district acquires existing facilities from a publicly or privately owned public utility either in proceedings by eminent domain or otherwise, to the extent necessary for operation of facilities, all of the employees of such public utility whose duties pertain to the facilities acquired who have been employed by said utility for at least seventy-five (75) days shall be appointed to comparable positions in the district without examination and shall be governed thereafter by the personnel system adopted by the board, and these employees shall be given sick leave, seniority, and vacation credits in accordance with the records of the acquired public utility.

The provisions of this section shall apply only to those officers or supervisory employees of the acquired utility as shall be designated by the board.

98164. Whenever any district acquires existing facilities from a publicly or privately owned public utility, either in proceedings in eminent domain or otherwise, that has a pension plan in operation, members and beneficiaries of such pension plan shall continue to have the rights, privileges, benefits, obligations and status with respect to such established system.

Whenever any such facilities are acquired by the district, the board shall consider and take into account the outstanding obligations and liabilities of the publicly or privately owned public utility by reason of such pension plan and shall negotiate an allowance in the purchase price of such utility for the assumption of such obligations and liabilities when acquiring the facilities.

The persons entitled to pension benefits as provided for in Chapter 5 (commencing with Section 98180) of this part and the benefits which are provided shall be specified in the agreement or order by which any public utility is acquired by the district.

98165. All persons receiving pension benefits from such acquired public utility and all persons entitled to pension bene-

fits under the pension plan of such acquired public utility may become members or receive pensions under the retirement system established by the district by mutual agreement of such persons and the district.

98166. Notwithstanding any provisions of the Government Code, the board may authorize payment of any or all of the premiums on any group life, accident and health insurance, health and welfare plan, or pension or retirement plan, on officers or employees of the district. Upon authorization by its employees, the district may make deductions from the wages and salaries of its employees:

(a) For the payment of contributions pursuant to any health and welfare, pension, or retirement plan.

(b) For any purpose for which deductions may be authorized by employees of any private employer.

CHAPTER 5. RETIREMENT SYSTEM

Article 1. Establishment

98180. The board may establish a retirement system for the officers and employees of the district and provide for the payment of annuities, pensions, retirement allowances, disability payments, and death benefits or any of them.

98181. The district may maintain its own retirement fund or may provide for benefits to eligible officers and employees, or their beneficiaries, by means of group insurance, or other insurance, or by such means as in the opinion of the board will satisfactorily provide an adequate and sure method of meeting the payments contemplated by the retirement system.

98182. Before establishing any retirement system the board shall secure a report from a qualified actuary, which shall show the cost of the benefits provided by the system, and the prospective assets and liabilities of the system.

98183. The board may adopt all ordinances and resolutions and perform all acts necessary or convenient to the initiation, maintenance, and administrations of the retirement system.

98184. Nothing in this chapter prevents the district from participation in and making all or part of its employees members of the State Employees' Retirement System by contract entered into between the district and the board of administration of the system under the State Employees' Retirement Law or from participating in the Federal Social Security Act pursuant to Part 4 (commencing with Section 22000), Division 5, Title 2 of the Government Code, and the district may perform all acts necessary or convenient for such participation. Nothing in this chapter shall prevent the district from participating in and making all of its employees members of the Santa Cruz County Employees' Retirement System.

98185. The board may classify and determine the officers and employees who shall be included as members in the retirement system and may change the classification from time

to time. Membership of all officers and employees so classified and included in the retirement system is compulsory. The retirement system shall not apply to members of the board.

Article 2. Benefits and Contributions

98190. The board may prescribe the terms and conditions upon which the officers and employees of the district or their beneficiaries shall be entitled to benefits and the amounts thereof provided, that said board shall have no such authority respecting the County Employees' Retirement Act of 1937.

98191. The retirement allowance may be predicated in part upon service rendered the district by a member prior to the establishment of the retirement system, which service is known as "prior service".

98192. The board shall provide that both the district and the members shall contribute to the retirement system. The rate of contribution by an officer or employee of the district becoming a member of the retirement system shall be so fixed as to provide, with accumulated interest and based on tables and assumptions adopted by the board, substantially one-half the value of any retirement allowance granted for service, exclusive of any credits allowed for prior service.

98193. All members of the retirement system shall contribute in the manner and amount fixed by the board and such contributions may be collected by deducting the amounts thereof from the salary, wages or compensation due such members.

98194. Liabilities accruing under the retirement system because of benefits other than such as are the equivalent of contributions by the members, with accumulated interests, shall be met by contributions by the district. Prior service or other liabilities of the district may be met by annual appropriation instead of by one appropriation for the total of the liabilities; but until the present value of regular contributions for current service, together with assets then available, equals the present value of all allowances and benefits granted or to be granted under the system, the appropriation for any one year when added to any unused balance of any previous appropriations for such purpose shall not be less than the amount disbursed during that year on account of prior service or other liabilities of the district.

98195. If any member withdraws from the retirement system prior to retirement the total amount contributed by him with such interest as may be credited thereto, shall be returned to him, provided, however, that the board may prescribe the terms and conditions upon which a member, whose district service has been terminated except by death or retirement, may elect to leave his contributions and interest thereon in the retirement fund, and the terms and conditions upon which

a retirement allowance may be made to him after such termination based upon his contributions prior to such termination.

98196. All money received by any person as an annuity, pension, retirement, allowance, disability payment or death benefit, from the retirement system, and all contributions and interest thereon returned to any member of the retirement system, whether in the actual possession of such member or deposited, loaned, or invested by him, is exempt from execution, garnishment, or attachment and is unassignable.

Article 3. Retirement Board

98200. The board may create a retirement board of not more than five members, at least two members of which shall be the elected representatives of the employees, to administer the retirement system, and shall define its powers and duties and the tenure of the members.

98201. All members of the retirement board shall serve without pay.

98202. The retirement board shall determine the eligibility of officers, employees, and their dependents to participation in the system and shall be the sole authority and judge under such ordinances as may be adopted by the board as to the conditions under which persons may be admitted to and continue to receive benefits of any sort under the retirement system, and may modify allowances for service and disability. The determination of the retirement board shall be final and conclusive and shall not be modified or set aside except for fraud or abuse of discretion.

98203. If the district maintains its own retirement fund the retirement board shall have exclusive control of the administration, investment, and disbursement of such fund. Investment of the fund shall be subject to the terms, conditions, limitations, and restrictions imposed by the laws of this state upon savings banks in the making of investments by savings banks, and cash may be deposited in any licensed national bank or banks in this state or in any bank, banks, or corporations authorized or licensed to do a banking business and organized under the laws of this state.

Article 4. Investigation and Penalties

98204. At least once in each four-year period after the establishment of the retirement system the board shall cause to be made an actuarial valuation of the assets and liabilities of the retirement fund and upon the basis of such investigation and valuation shall make such revision or change of the rate of contribution, the periods and conditions of service, and amounts of retirement allowances as may be necessary.

98205. Except as herein provided, no member of the board or of the retirement board, nor any member of the retirement system or employee of the district, shall have any interest di-

rect or indirect in the making of any investment or in the gains or profits accruing therefrom, and no such person, directly or indirectly, for himself or as an agent or partner of others shall borrow any of its funds, nor shall any such person in any manner use the same except to make such current and necessary payments as are authorized by the retirement board, nor shall such a person become an endorser or surety as to, or in any manner an obligor for investments of the retirement fund.

CHAPTER 6. POWERS AND FUNCTIONS OF DISTRICT

Article 1. Corporate Power

98210. The district has perpetual succession and may adopt a seal and alter it at its pleasure.

98211. The district may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

98212. The district shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. The district may take any property necessary or convenient to the exercise of the powers granted in this part whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right, the district has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this part. The district shall proceed in the name of the district in condemnation proceedings. The district, in exercising such power, in addition to the damage for the taking, injury, or destruction of property, shall also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, cables, or poles of any public utility or public district which is required to be moved to a new location.

98213. No action in eminent domain to acquire property or interests therein within any incorporated city or any county shall be commenced unless the legislative body of the affected city or county has consented to such acquisition by resolution.

98214. No such taking or acquisition by the district which would involve the abandonment, removal, relocation, or use of property of a railroad corporation, as defined in Section 230 of this code, shall be permitted, unless the Public Utilities Commission, after hearing, shall find and determine that the public interest and necessity require the abandonment, removal, relocation, or use of such property and that such taking or acquisition will not unreasonably impair the ability of the railroad corporation involved to provide safe, adequate, economical, and efficient service.

Article 2. Contracts

98220. The district may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, 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 part.

98221. No officer or employee of the district shall in any manner be interested directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom contrary to the provisions of Article 4 (commencing with Section 1090), Chapter 1, Division 4, Title 1 of the Government Code.

Article 3. Purchases

98230. The purchase of all supplies, equipment and materials, and construction of facilities and works, when the expenditure required exceeds three thousand dollars ($3,000), shall be by contract let to the lowest responsible bidder. Notice requesting bids shall be published at least once in a newspaper of general circulation, which publication shall be made at least 10 days before bids are received. The board may reject any and all bids and readvertise in its discretion.

98231. If after rejecting bids the board determines and declares a four-fifths vote of all its members that in its opinion the supplies, equipment and materials may be purchased at a lower price in the open market, the board may proceed to purchase the supplies, equipment and materials in the open market without further observance of the provisions requiring contracts, bids or notice.

98232. In case of any great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, the board may, by resolution passed by a majority vote of all its members declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property and thereupon proceed to expend or enter into a contract involving the expenditure of any sum needed in such emergency without observance of the provisions requiring contracts, bids, or notice.

Article 4. Property

98233. The district may take by grant, purchase, gift, devise or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers. The board may lease, sell, mortgage, or otherwise dispose of any real or personal property within or without the district when

in its judgment it is for the best interests of the district so to do.

98234. Whenever the board by resolution determines that any record, map, book, or paper in the possession of the district or any officer or employee thereof is of no further value to the district, the board may authorize its sale, destruction, or other disposition.

Article 5. Transit Facilities and Service

98240. The district may acquire, construct, own, operate, control or use rights-of-way, rail lines, buslines, stations, platforms, switches, yards, terminals, and any and all other facilities necessary or convenient for transit service within or partly without the district, underground, upon, or above the ground and under, upon, or over public streets or other public ways or waterways, together with all physical structures necessary or convenient for the access of persons and vehicles thereto, and may acquire any interest in or rights to the joint use of any or all of the foregoing; provided, that installations in any street, road or other property devoted to a public use shall be subject to consent of the governing body in charge of such public use.

98241. The district may without limitation by any other provisions of this part requiring approval of indebtedness, accept contributions of money, rights-of-way, labor, materials, and any other property for the acquisition, construction, maintenance and operation of transit facilities, and may without limitations by any other provisions of this part enter into any contracts and cooperation with and accept cooperation from the state, or any department, instrumentality, or agency thereof, or any public agency in the acquisition, construction, maintenance, and operation of, and in financing the acquisition, construction, maintenance, and operation of, any such transit facilities.

98242. The district shall not interfere with or exercise any control over any transit facilities now or hereafter owned, and operated wholly or partly within the district by any city or public agency, unless by consent of such city or public agency and upon such terms as are mutually agreed upon between the board and such city or public agency.

98243. The district may lease or contract for the use of its transit facilities or any portion thereof, to any operator, and may provide for subleases by such operator upon such terms and conditions as it deems in the public interest. The word "operator" as used in this section means any city or public agency or any person, firm or private corporation.

98244. The district may construct and operate or acquire and operate works and facilities in, under, upon, over, across, or along any street or public highway or any stream, bay or watercourse, or over any of the lands which are the property of the state, to the same extent that such rights and privileges

appertaining thereto are granted to municipalities within the state, and to install adequate bus stops, including the painting of curbs, subject to the consent of the governing body in charge of such streets, highways, stream, watercourse, or lands.

98245. The district may enter into agreements for the joint use of any property and rights by the district and any city, public agency or public utility operating transit facilities; may enter into agreements with any city, public agency or public utility operating any transit facilities, either wholly or partially within, or without, the district, for the joint use of any property of the district or of such city, public agency or public utility, or the establishment of through routes, joint fares, transfer of passengers or pooling arrangements.

98246. The rates and charges for service furnished pursuant to this part shall be fixed by the board and shall be reasonable.

98247. The board of supervisors or the city council of a municipality having territory located within the district may file a request for a hearing before the district board as to the reasonableness of any rates or charges fixed by the district and as to any proposal for fixing the location of facilities by the district. The request shall be in writing and shall state the subject matter on which a hearing is desired.

98248. Upon the filing of a request for hearing as provided in Chapter 8 (commencing with Section 98390) of this part, the district board shall fix the time and place for hearing. The time fixed shall not be less than 15 days nor more than 60 days from the date such request is filed. Notice of such hearing shall be given to the county or city requesting such hearing and shall be published by the board.

98249. At the time fixed for any hearing before the board any board of supervisors or city council eligible to file a request for hearing, not a party to the original request for hearing, may intervene and shall be entitled to be heard and to introduce evidence.

98250 Within 30 days after submission of the case, the board shall render its decision and its decision shall be final.

98251. The district shall be subject to the provisions of Division 14.8 (commencing with Section 34500) of the Vehicle Code with respect to the operation of buses and to the rules and regulations prescribed by the Department of the California Highway Patrol pursuant to that chapter regulating the safe operation of buses.

Article 6. Indebtedness

98260. The district may borrow money for the purpose of defraying the expenses of the district lawfully incurred after the commencement of the fiscal year, but prior to the time moneys from the tax levy for the fiscal year are received by the district, in a sum which shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation of tax-

able property in the district at the time the moneys are borrowed, and may evidence such borrowing by notes bearing interest at a rate not to exceed 6 percent per annum. The notes shall be payable from the tax levy from the then current fiscal year, which levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon. The form of said notes and the proceedings relating to their issuance and sale, will be governed by the applicable provisions contained in Article 7 (commencing with Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

98261. The board of directors of a district may, within a period of two years from and after the formation of the district, pursuant to a resolution adopted by it for the purpose, borrow money on certificates of indebtedness, promissory notes or other evidences of indebtedness, in anticipation of the estimated tax revenue for the following fiscal year, to be repaid within four years from the date of borrowing with interest at a rate not to exceed 6 percent per annum, in order to enable the district to meet all of its necessary initial expenses of organization, construction, acquisition, maintenance, and operation. The total amount of money borrowed and indebtedness incurred under this section during this two-year period shall not exceed 50 percent of the total amount of estimated tax revenue as estimated by the county auditor of the county in which the district lies for the following fiscal year.

The form of said notes and the proceedings relating to their issuance and sale, will be governed by the applicable provisions contained in Article 7 (commencing with Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

98262. The district shall not incur an indebtedness under Chapter 7 (commencing with Section 98310) of this part which in the aggregate exceeds one (1) percent of the assessed value of all the real and personal property within the district.

98263 The district may accept, without limitation by any other provisions of this part requiring approval of indebtedness, contributions or loans from the United States, this state, or any department, instrumentality, or agency of either thereof, for the purpose of financing the acquisition, construction, maintenance, and operation of transit facilities, and may enter into contracts and cooperate with and accept cooperation from, the United States, this state, or any department, instrumentality, or agency of either thereof, in the acquisition, construction, maintenance, and operation, and in financing the acquisition, construction, maintenance, and operation, of any such transit facilities in accordance with any legislation which Congress or the Legislature of the State of California may have heretofore adopted or may hereafter adopt, under which aid, assistance, and cooperation may be furnished by the United States or this state in the acquisition, construction, maintenance and operation of any such transit facilities. The district may do any and all things necessary in order to avail

itself of such aid, assistance, and cooperation under any federal or state legislation now or hereafter enacted. Any evidence of indebtedness issued under this section shall constitute a negotiable instrument.

Article 7. Investments

98270. The district may invest any surplus money in its treasury. The county treasurer shall act as treasurer of the district and he shall handle such investments as the board determines to make in accordance with the same policies and procedures that he follows in the investment of surplus county funds.

The board shall pay a reasonable fee to the county for the investment services of the county treasurer.

Article 8. Taxation

98280. The district may levy, and collect or cause to be collected, taxes for any lawful purpose subject to a maximum limit of five cents ($0.05) per one hundred dollars ($100) of assessed value of all real estate and personal property within the district; provided, however, that the district shall have the further power to levy, collect or cause to be collected, said property taxes to a maximum limit of ten cents ($0.10) if the matter is first submitted to the voters in the district and a majority of those voting vote in favor of raising the maximum tax limit.

98280.5. If, in the opinion of the board, the transit operation revenues will not be sufficient for any and all lawful purposes the board shall levy a tax for such purpose or purposes and fix the amount of money necessary to be raised therefor by taxation as part of the general tax levy as set forth in Section 98280.

98281. The board shall, as part of the general tax levy as set forth in Section 98280, levy and collect annually until the district's bonds are paid, or until there is a sum in the treasury of the district set apart for that purpose to meet all sums coming due for principal and interest on the bonds as they become due a tax sufficient to pay the annual interest on the bonds and such part of the principal thereof as becomes due before the proceeds of a tax levied at the next general tax levy will be available. If the maturity of the indebtedness created by the issue of bonds begins more than one year after the date of the issuance thereof, the tax shall be levied and collected annually at the time and in the manner aforesaid, sufficient to pay the interest on the indebtedness as it falls due and to constitute a sinking fund for the payment of the principal on or before maturity.

98282. The board may provide for the assessment, levy, and collection of taxes by the district.

98283. The board shall avail itself of the assessments made by the assessor of the county and of the assessments made by the State Board of Equalization for the county and shall take such assessments as the basis for the district taxation and have its taxes collected by the tax collector of the county, as part of the annual tax bill.

98284. In such case the county auditor shall, on or before the third Monday in August of each year, transmit to the board a statement in writing showing the total value of all property within the district, ascertained from the assessments referred to in Section 98283 as equalized.

98285. The board shall on or before the first day of September fix the rate of taxes, designating the number of cents upon each one hundred dollars ($100) using as a basis the value of property transmitted to the board by the county auditor, which rate of taxation shall be sufficient to raise the amount previously fixed by the board. These acts by the board shall constitute a valid assessment of the property and a valid levy of the taxes so fixed but the rate of taxation shall not exceed the limit imposed by this article.

98286. The board shall immediately after fixing the rate of taxes as above provided transmit to the county auditor of the county a statement of the rate of taxes fixed by the board.

98287. The district's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district, under the general requirements and penalties provided by law for the settlement of other taxes.

98288. Whenever any real property has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the district by the county treasurer in the proportion which the tax due to the district bears to the total tax for which the property was sold.

98289. The compensation to be charged by and paid to any county for the performance of services under this article shall be fixed by agreement between the board of supervisors of the county and the board. The compensation shall in no event exceed one-half of 1 percent of all money collected for the district. The compensation collected by the county shall be placed to the credit of the county general fund.

98290. All taxes levied under this part are a lien on the property on which they are levied and shall become a lien at the same time as county taxes. The enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made a part of this part so far as applicable.

CHAPTER 6.5. EXISTING SYSTEMS

98300. As used in this chapter:

(a) "Establish" includes establish, construct, complete, acquire, extend or reroute. It does not, however, include the maintenance and operation of any existing system by the district.

(b) "Existing system" means any transit service or system of a publicly or privately owned public utility situated entirely within the district or at least 75 percent of whose revenue vehicle miles for the preceding calendar year were operated within the district.

98301. Notwithstanding any other provision of this part, before the district may establish any transit service or system which may at any time divert, lessen, or compete for the patronage or revenues of any existing system, the district shall give a written notice to the public utility which is operating the existing system. The written notice shall describe the transit service or system which the district proposes to establish and shall state the time within which the district proposes to establish such service or system.

98302. The district shall not establish the proposed service or system, or maintain and operate the service or system until it has offered to purchase the buses and such other facilities of the existing system as it will have need of and use for, and such offer has either been rejected or the purchase completed.

98303. The purchase price to be paid for the existing system, or that part thereof which the district desires to purchase, shall be the reasonable market value of the buses and other facilities of the existing system or the date that the district commences negotiations for such purchase.

98304. The district and the public utility operating the existing system may agree upon the purchase price or they may agree that the purchase price is to be established by arbitration and upon the method of naming arbitrators and the method of conducting such arbitration. If they do not, the purchase price may be fixed and judgment entered thereon in a suit brought either by the public utility or the district in the superior court in and for the county in which is located that portion of the existing system to be acquired by the district which has the highest value.

98305. Section 851 of the Public Utilities Code does not apply to any contract for sale or sale of an existing system, or any portion thereof, pursuant to this chapter, and the Public Utilities Commission shall have no jurisdiction with respect thereto.

CHAPTER 7. BONDS

Article 1. Issuance

98310. The district may from time to time incur a bonded indebtedness as provided in this chapter to pay the cost of ac-

quiring, constructing or completing the whole or any portion of any transit facilities, or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district. The total amount of bonds issued and outstanding shall not exceed 1 percent of the assessed value of the taxable property of the district as shown by the last equalized assessment roll of the County of Santa Cruz.

98311. Whenever the board by resolution passed by vote of two-thirds of all its members determines that the public interest or necessity demands the acquisition, construction, or completion by the district of any transit facilities or any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, it may at any subsequent meetings of the board provide by ordinance for the submission of the proposition of incurring a bonded indebtedness for the purpose set forth in the resolution to the voters of the district at a special bond election held for that purpose.

98312. The ordinance calling a special bond election shall fix the date on which the election will be held, and the manner of holding the election and of voting for or against incurring the indebtedness. It shall also recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the transit facilities, works, lands, structures, rights, equipment, or other property proposed to be acquired, constructed, or completed, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness, which shall not exceed 6 percent per annum, payable semiannually or annually the first year and thereafter semiannually.

98313. Propositions for incurring indebtedness for more than one object or purpose may be submitted at the same election.

98314. Any special bond election may be held separately, or may be consolidated with any other election, the provisions of this chapter setting forth the procedure for the calling and holding of the special bond election shall be complied with, except that the ordinance calling the election need not set forth election precincts, polling places, and officers of election, but may provide that the precincts, polling places, and officers of election shall be the same as those set forth in the ordinance, notice, or other proceedings calling the election with which the special bond election is consolidated, and shall refer to the ordinance, notice, or other proceedings by number and title, or by other definite description.

98315. The ordinance shall be published, and no other notice of election need be given.

98316. The board shall comply with the provisions of Article 3, (commencing with Section 3780) of Chapter 2 of

Division 4 of the Elections Code, the provisions of which are applicable to any bond election held pursuant to this article. Wherever the words "county clerk" appear in the Elections Code the words "secretary of the board" shall be substituted, for the purposes of this article, and wherever the words "board of supervisors" appear in the Elections Code, the words "board of directors" shall be substituted, and wherever the words "district attorney or county counsel" appear in the Elections Code, the words "attorney for the district" shall be substituted.

98317. The votes of two-thirds (⅔) of all voters voting on the proposition at the election are required to authorize the issuance of bonds under this chapter.

98318. If the proposition submitted at a special bond election fails to receive the requisite number of votes, the board shall not within six months after the election hold another special election for the submission of a proposition of incurring a bonded indebtedness substantially the same as the proposition voted upon at the prior election unless a petition signed by voters within the district equal in number to at least 15 percent of the total vote cast at the last general statewide election is filed with the board, requesting that the proposition, or a proposition substantially the same, be submitted at an election to be called for that purpose.

Article 2. Form and Content

98330. Bonds authorized by this chapter shall mature serially in amounts to be fixed by the board; except that payment shall begin not later than 10 years from the date thereof and shall be completed in not more than 50 years from that date.

98331. The board may divide any issue of bonds authorized pursuant to this chapter into two or more series, and may fix different dates of issuance and different maturity dates for the bonds of each series. The bonds of each series shall mature serially in amounts to be fixed by the board, and the board shall fix a date not more than 10 years from the date of issuance of each series for the earliest maturity of such series and shall fix a date not more than 50 years from the date of issuance of each series for the final maturity of such series.

98332. Pending the actual issuance or delivery of bonds, a district may issue temporary or interim bonds, certificates, or receipts, of any denomination whatsoever, with or without coupon, and in such form as may be prescribed by the board, to be exchanged for definite bonds when ready for delivery.

98333. The bonds shall be issued in such denominations as the board determines, except that no bonds shall be issued of a denomination less than one thousand dollars ($1,000) and shall be payable on the day and at the place or places fixed in the bond, and with interest at the rate specified therein, payable semiannually.

98334. The board may at any time prior to the issuance and sale of any bonds provide for the call and redemption of any or all of the bonds on any interest payment date prior to their fixed maturity at not exceeding the par value and accrued interest plus a premium of not exceeding 5 percent upon the principal amount of the bonds, in which event the call price of such redemption shall be set forth on the face of the bond. Notice of such redemption shall be published. If there is no newspaper of general circulation printed and published within the district, then the publication shall be made in a newspaper of general circulation, printed and published within the district, then the publication shall be made in a newspaper of general circulation, printed and published within the county, or any part thereof is situated. The first publication shall be at least 30 days prior to the date fixed for the redemption. After the date fixed for such redemption interest on the bonds thereafter shall cease.

98335. The bonds shall be signed by the chairman of the board or by such officer of the district as the board shall by resolution authorize and designate for that purpose. They shall also be signed by the treasurer, and be countersigned by the auditor. The coupons of the bonds shall be numbered consecutively and be signed by the treasurer. All signatures and countersignatures on the bonds, except one of the signatures or countersignatures on the bonds, may be printed, lithographed or engraved. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds to the purchaser, the signature or countersignature is nevertheless valid and sufficient for all purposes as if he had remained in office until the delivery of the bonds.

Article 3. Issue and Sale

98340. The bonds may be issued and sold for not less than their par value, but otherwise as the board determines. Before selling any bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as the board may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to the price or responsibility of the bidders, the board may reject all bids received, if any, and either again give notice inviting bids or sell the bonds at private sale.

98341. All premiums and accrued interest received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds. The remainder of the proceeds of the bonds shall be placed in the district treasury to the credit of the proper fund, and shall be used exclusively for the objects or purposes for which the bonds were voted; provided that when such objects and pur-

poses have been accomplished any moneys remaining shall be transferred to the fund to be used for the payment of principal and interest on the bonds shall have been paid, any balance of money then remaining shall be transferred to the general fund of the district.

98342. In lieu of the immediate levy of a tax to pay the interest or any part thereof on any bonded indebtedness incurred in accordance with this part the board may, in the estimate of the amount of money necessary to be raised by the bonds, include a sum sufficient to pay interest on all of the bonds or part thereof during the period of acquisition, construction, or completion, but for no period in excess of five years.

Article 4. Refunding

98350. Whenever the board by resolution passed by a vote of two-thirds of all its members determines that the refunding of the whole or any portion of the bonded indebtedness will be of advantage to the district, the board may refund the bonded indebtedness or any portion thereof and issue refunding bonds of the district therefor.

98351. The issuance of refunding bonds shall not be construed as the incurring or increase of an indebtedness within the meaning of this act, and the approval of the voters is not required for the issuance of refunding bonds. The board may provide for the call and redemption of any or all of the bonds on any interest payment date prior to their fixed maturity in the ordinance authorizing the issuance of the refunding bonds.

98352. Except as otherwise provided, the provisions of this chapter shall substantially govern as to all matters pertaining to the issuance of refunding bonds, including and without limiting the generality of the foregoing, the form, execution, issuance, maturity, redemption, refunding, validation, the payment of interest from bond funds, and the status of the bonds as investments.

98353. Refunding bonds shall bear interest at a rate not exceeding the interest rate on the refunded bonds, but payment of the refunding bonds shall begin not later than one year from the date thereof and be completed in not more than 40 years from that date.

98354. The proceeds of the sale of refunding bonds shall be applied only to the purchase, or retirement at not more than par and accrued interest, or the call price, of the bonded indebtedness for which the refunding bonds were issued.

98355. In lieu of selling refunding bonds and using the proceeds to purchase or retire the bonds to be refunded, the board may exchange refunding bonds at not less than par and accrued interest for the bonds so refunded.

98356. Wherever outstanding bonds are refunded they shall be surrendered to the treasurer of the district, who shall cancel them by endorsing on their face the manner in which the

refunding was effected, whether by exchange or purchase, and the amount for which so purchased, (if any) and by perforating through each bond and each coupon attached thereto the word "canceled" together with the date of cancellation.

Article 5. Status as Investments

98360. All bonds including refunding bonds issued by a district are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the State School Fund and for all sinking funds under the control of the State Treasurer. Whenever any money or funds may be invested in or loaned upon the security of the bonds of the district; and whenever bonds of cities, cities and counties, counties, or school districts by law may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds of the district may be used.

98361. All bonds of the district, to the same extent as bonds of any other municipality, are legal for use by any other municipality, are legal for use by any state or national bank or banks in the state as security for the deposit of funds of the state or of any county, city and county, city, municipality or other public or municipal corporation within the state.

Article 6. Validation

98370. An action to determine validity of bonds, including refunding bonds, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Article 7. Revenue Bonds

98380. As an alternative procedure for the raising of funds, the district may issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed by the district, in the manner provided by the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code), all of the provisions of which are applicable to the district.

98381. The district is a local agency within the meaning of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code). The term "enterprise" as used in the Revenue Bond Law of 1941 shall, for all purposes of this part, include transit facilities and any and all parts thereof and all additions, extensions and improvements thereto and all other facilities authorized to be acquired, constructed, or completed by a district or, in the alternative, may issue revenue bonds under the Revenue Bond Law of 1941, for the acquisition, construction and completion of any one of such facilities.

Nothing in this article shall prevent the district from availing itself of, or making use of, any procedure provided in this part for the issuance of bonds of any type or character for any of the facilities or works authorized hereunder, and all proceedings may be carried on simultaneously or in the alternative, as the directors may determine.

CHAPTER 8. ANNEXATION

98390. Territory may be annexed to the district in the manner provided in this chapter. Territory to be annexed need not be contiguous to the present district.

98391. Whenever the board finds and determines that additional territory will be benefited by annexation to the district, it shall pass a resolution to that effect. Approval of the local agency formation commission shall be required for such annexation, and shall be obtained before the board holds its hearing.

98392. The resolution shall be passed by a vote of two-thirds of the members of the board and shall:

(a) Describe the boundaries of the territory proposed to be annexed.

(b) Designate the proposed annexation by an appropriate name.

(c) Declare that the area to be annexed to the district will be benefited by such annexation.

(d) Name the time and place for the hearing of objections by any person interested in the proposed annexation

98393. The resolution, together with the names of the members of the board, voting for and against it shall be published pursuant to Section 6066 of the Government Code in a newspaper published in the territory proposed to be annexed, or if there is no such paper, then in some newspaper of general circulation, circulated in such territory.

98394. On the day fixed for hearing or any day to which the hearing is adjourned, the board shall hear and consider any objections presented to the annexation of the territory. After the hearing of objections, if it shall be determined by a vote of two-thirds ($\frac{2}{3}$) of all the members of the board that the territory proposed to be annexed will be benefited by such annexation, the board shall proceed to fix and determine the boundaries of the territory to be annexed to the district.

98395. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of the members, the board shall order the annexation of the territory so described. The resolution together with the names of the members of the board voting for and against the same shall be spread upon the minutes of the board.

98396. Whenever any territory is annexed to the district it shall thereupon become a part of the district subject to all the liabilities and entitled to all the benefits of the district.

CHAPTER 9. EXCLUSION

98397. Territory within the district may be excluded from the district in the manner provided in this chapter. Proceedings for the exclusion of such territory may be initiated by the filing of a petition with the board of supervisors signed by not less than 10 percent of the registered voters in the territory proposed to be excluded. The petition shall:

(a) Describe the boundaries of the territory to be excluded.

(b) Declare that the area to be excluded from the district is not benefited by remaining in the district.

(c) Request exclusion of the territory.

98398. After the petition is filed with the board of supervisors, the board of supervisors shall determine whether the petition is signed by a sufficient number of voters and if the petition is sufficient, the board of supervisors shall refer the question to the local agency formation commission, which shall hold a hearing on the question.

The notice shall contain the following:

(a) That a petition for exclusion has been filed with the board of supervisors.

(b) That a public hearing will be held upon the said petition and the proposed exclusion by the local agency formation commission, stating the time and place of such public hearing.

(c) That any interested person may appear and be heard at said public hearing.

(d) Describe the boundaries of the territory proposed to be excluded.

98399. On the day fixed for the hearing, or any day to which the hearing may be adjourned, the local agency formation commission shall hear persons interested, and shall hear and consider any objections to the proposed exclusion. After the hearing, if it should be determined by a majority of all of the members on the local agency formation commission that the territory proposed to be excluded will not be benefited by remaining in the district, the commission shall recommend to the board of supervisors that the said territory be excluded. The exclusion shall be effective immediately upon resolution by the board of supervisors, provided, however, that the excluded territory shall not be relieved by such exclusion from liability for taxation for the payment of any bonded indebtedness existing at the time of the exclusion. Notice of the exclusion shall be given pursuant to Government Code Sections 54900 et seq.

CHAPTER 10. DISSOLUTION

98400. The board may call an election any time for the purpose of submitting to the voters of the district the question of whether the district will be dissolved Upon the filing with the clerk of the district of a petition signed by voters within the district equal in number to at least twenty-five

percent (25%) of the total vote cast within the district at the last general statewide election asking that the question of dissolution of the district be submitted to the voters of the district, the board shall call such an election.

98401. The election for the purpose of submitting to the voters of the district the question of whether or not the district shall be dissolved shall be held within 60 days next succeeding the date on which the petition is filed.

98402. Notice of any election for dissolution, whether called because of the filing of a petition or ordered by the board without petition, shall be published. The date fixed for the election shall not be less than 30 days from the date of the first publication of the notice

98403. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition the following:

Shall the Santa Cruz Metropolitan Transit District be dissolved?	YES NO

98404. The board shall canvass the vote. If a majority of the votes favor dissolution, the board shall by resolution dissolve the district.

98405. The board shall file a certified copy of the resolution with the Secretary of State and for record in the office of the county recorder.

98406. Upon dissolution the right title and interest to property owned or controlled by the district shall be divided among the cities within the district and the county according to the ratio which the assessed valuation of taxable property of each city within the district and the unincorporated area within the district bears to the total assessed valuation of taxable property within the district.

98407. The board of supervisors is, ex officio, the governing body of the dissolved district. It may levy taxes and assessments and perform other acts necessary to wind up the district affairs and to raise money for the payment of outstanding indebtedness.

CHAPTER 979

An act to amend Section 5374.1 of, and to add Section 5375.1 to, the Streets and Highways Code, relating to special assessments.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 5374.1 of the Streets and Highways Code is amended to read:

5374.1. The amount of any contribution for the cost and expenses of the work shall be paid by the city to the contractor, or his agent, or assigns. upon delivery of the warrant, assessment and diagram, or prior to said delivery, may be paid in installments. for work completed, during the progress of the work. Notice that there will be progress payments must appear in the invitation for bids.

SEC. 2. Section 5375.1 is added to the Streets and Highways Code, to read:

5375.1. Notwithstanding the provisions of Section 5375 the legislative body may waive the requirement that the contractor, or his agent, or assigns pay the expenses incidental to the cost of the work, or work and acquisition paid for by contribution.

CHAPTER 980

An act to add Chapter 9.7 (commencing with Section 6941) to Division 6 of the Education Code, relating to handicapped children.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Chapter 9.7 (commencing with Section 6941) is added to Division 6 of the Education Code, to read:

CHAPTER 9.7. HANDICAPPED CHILDREN

6941. As used in this chapter, "handicapped children" means any of the following:

(a) Physically handicapped minors as defined in Chapter 8 (commencing with Section 6801) of this division.

(b) Mentally retarded minors as defined by Sections 6901 and 6902.

(c) Severely mentally retarded minors as defined by Sections 6901 and 6903.

(d) Educationally handicapped minors as defined in Chapter 7.1 (commencing with Section 6750) of this division.

(e) Multiple handicapped minors which refers to any combination of (a), (b), or (c).

6942. To compile sufficient information regarding handicapped children in order to assure these children of educational programs, on or before April 30, 1968, and April 30 of each year thereafter, the governing board of each school district shall make a report to the county superintendent of schools with jurisdiction over the district of each of the handicapped children who fall within any of the following categories for the fiscal year for which the report is made:

(a) Each handicapped child who is participating in a special class, school, or program of the school district for handicapped children.

(b) Each handicapped child who is not within the purview of subdivision (a), but whose parent, parents, guardian or other person having control or charge of the child applied to the school district for enrollment of the child in a special class, school, or program of the district for handicapped children. If the child was denied enrollment, the report shall so state. As used in this subdivision "applied" includes an interview by school personnel of the district of the parent, parents, guardian or other person having charge of the child.

6943. The report required by subdivision (a) of Section 6942 may be limited to the particular programs in which pupils are participating and the numbers which are participating in each. The report required by subdivision (b) of Section 6942 shall contain all of the following information relative to each of the handicapped children reported:

(a) Name.

(b) Address.

(c) Date of birth.

(d) Names of the parent, parents, guardian or other person having control or charge of the child.

(e) Handicaps of the child insofar as they are known to the school district.

(f) Special class, school, or program, if any, in which the child is enrolled, with a statement of any suspensions of 10 days or more or expulsions from such special class, school or program suffered by the child.

6944 On or before June 30, 1968, and June 30 of each year thereafter, the county superintendent of schools of each county shall report for the fiscal year in which the report is made, to the Superintendent of Public Instruction, all of the handicapped children in the area under his jurisdiction who fall within the categories specified by Section 6941, including each of those handicapped children who are participating in a special class, school, or program provided by the county superintendent of schools, and each of those handicapped children who are not so participating, but for whom application for enrollment therein was made by the parent, parents, guardian or other person having charge or control over the child.

The report required pursuant to this section shall contain all of the information required by Section 6943 relative to each child reported, and in addition shall specify the school district which submitted such information to the county superintendent of schools pursuant to Section 6942

6945 The governing board of each school district shall adopt rules and regulations to require the officers and employees of the district to gather the information required to be reported to the county superintendent of schools by this chapter

6946. The Superintendent of Public Instruction shall adopt rules and regulations specifying the form of the reports required of school districts and the county superintendent of schools by this chapter.

CHAPTER 981

An act to amend Section 26746 of the Government Code, relating to sheriff's fees.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 26746 of the Government Code is amended to read:

26746. The fee for traveling in the service or execution of any process or notice, required to be served by law or the litigant is seventy cents ($0.70) for each mile actually and necessarily traveled from his office to the point of service, one way only.

CHAPTER 982

An act to amend Sections 3036 and 7151 of the Fish and Game Code, relating to hunting and fishing licenses.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 3036 of the Fish and Game Code is amended to read:

3036. A veteran, having 70 percent or greater service-connected disability, of any war in which the United States has been, or may be engaged, upon the presentation of proof of an honorable discharge from service, is entitled to the licenses provided for in this article upon application to the Department of Fish and Game, Headquarters Office, Sacramento, free of charge, and is entitled to receive, free of charge, deer and pheasant license tags provided for in Sections 3652 and 4332.

Proof of such disability shall be required and shall be by certification from the Veterans Administration or, if the veteran is over 55 years of age, by proof that he was issued a license under this section in the previous year.

As used in this section, "war" means that period of time commencing when Congress declares war or when the armed forces of the United States are engaged in active military operations against any foreign power, whether or not war has

been formally declared, and ending upon the termination of hostilities as proclaimed by the President of the United States.

As used in this section, "veteran" includes any member of the armed forces of the United States, having 70 percent or greater service-connected disability, and whose service-connected disability is certified by the appropriate military authority.

SEC. 2. Section 7151 of the Fish and Game Code is amended to read:

7151. Every veteran, having a 70 percent or greater service-connected disability, of any war in which the United States has been, or may be, engaged, upon the presentation of proof of an honorable discharge from service, is entitled to a sport fishing license upon application to the Department of Fish and Game, Headquarters Office, Sacramento, free of charge.

Proof of such disability shall be required and shall be by certification from the Veterans Administration or, if the veteran is over 55 years of age, by proof that he was issued a license under this section in the previous year.

As used in this section, "war" means that period of time commencing either when Congress declares war or when the armed forces of the United States are engaged in active military operations against any foreign power, whether or not war has been formally declared, and ending upon the termination of hostilities as proclaimed by the President of the United States.

As used in this section, "veteran" includes any member of the armed forces of the United States, having 70 percent or greater service-connected disability, and whose service-connected disability is certified by the appropriate military authority.

CHAPTER 983

An act to amend Section 13557 of the Education Code, relating to rights and duties of teachers.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 13557 of the Education Code is amended to read:

13557. Every teacher in the public schools shall hold pupils to a strict account for their conduct on the way to and from school, on the playgrounds, or during recess. A teacher, vice principal, or principal shall not be subject to criminal prosecution or criminal penalties for the exercise, during the performance of his duties, of that degree of physical control over a pupil reasonably necessary to maintain order, protect property, or protect the health and safety of pupils. The provisions of this section are in addition to and do not supersede the provisions of Section 10854 of this code.

CHAPTER 984

An act to add Section 13510.3 to the Education Code, relating to certificated employees' salaries.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 13510.3 is added to the Education Code, to read:

13510.3. The governing board of any school district shall not decrease the annual salary of a person employed by the district in a position requiring certification qualifications for failure to meet any requirement of the district that such person complete additional educational units, course of study, or work in any college or university or any equivalent thereof.

CHAPTER 985

An act to amend Section 14904 of the Financial Code, relating to credit union loans.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 14904 of the Financial Code is amended to read:

14904. (a) No credit union shall make a loan in excess of one thousand dollars ($1,000) to any person under 18 years of age, unless such loan is secured in the manner provided for in subdivision (b) or (c) of Section 14907.

(b) No credit union shall make loans to any one member in excess of three thousand dollars ($3,000) or 10 percent of its paid-in and unimpaired capital, whichever is greater, but not to exceed ten thousand dollars ($10,000) plus the then unpledged shares.

CHAPTER 986

An act to amend Section 981 of the Education Code, relating to school board workshops.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 981 of the Education Code is amended to read:

981. Upon election as a member of the school district governing board, such member may attend a workshop to be held within the state by the State Department of Education for study and instruction on the subjects of school finance, the Education Code and related laws, and the ethics, duties and responsibilities of school district governing board members. A governing board member may attend subsequent workshop sessions for in-service training purposes. He may not attend such sessions more than once every four years.

CHAPTER 987

An act to amend Section 15831 of the Education Code, relating to security patrol.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 15831 of the Education Code is amended to read:

15831. The governing board of any school district may establish a security patrol and employ, in accordance with the provisions of Chapter 3 (commencing with Section 13580) of Division 10 such personnel as may be necessary to ensure the security of school district personnel and pupils in or about school district premises and the security of the real and personal property of the school district and to cooperate with local law enforcement agencies in all matters involving the security of the personnel, pupils, and real and personal property of the school district. It is the intention of this provision that a school district security patrol shall be supplementary to city and county law enforcement agencies and shall under no circumstances be vested with general police powers.

CHAPTER 988

An act to amend Section 19332 of the Government Code, relating to industrial injury.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 19332 of the Government Code is amended to read:

19332. Any period of time during which an employee is required to be absent from his position by reason of an injury or disease for which he is entitled to receive temporary

disability compensation under the provisions of Division 4 or 4.5 of the Labor Code is not a break in his continuous service for the purpose of his right to salary adjustments, sick leave, vacation, or seniority.

If an employee is unable to return to work at the time or during the period he is entitled to permanent disability compensation under Division 4 or 4.5 of the Labor Code, he shall be paid any sick leave balance, vacation balance, or accumulated compensable overtime. Such payment shall be computed by projecting the accumulated time on a calendar basis as though the employee was taking time off. If during the period of projection the employee is able to return to work, he shall be returned to his former position.

If a permanent or probationary employee is still not able to return to his former position and continues to receive permanent disability compensation, the appointing power shall take at least one of the following actions:

(a) Demote or transfer the employee to a position in a comparable or lower class in the same agency if he is able to perform such duties;

(b) Request the board to assist in placing the employee in another position in state service;

(c) Grant a leave of absence for the period during which the employee receives permanent disability compensation or is being retrained through rehabilitation;

(d) Encourage the employee to accept disability or service retirement; or

(e) Terminate under the provisions of Government Code Section 19253.5.

If the employee is demoted or transferred he shall receive the maximum of the salary range provided such salary is not greater than the salary he received on the date his accumulated time was exhausted.

CHAPTER 989

An act to amend Section 18101.5 of the Government Code, relating to sick leave credits of exempt employees.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 18101.5 of the Government Code is amended to read:

18101.5. The State Personnel Board may provide by rule for crediting to the sick leave account of an employee formerly employed in a state position exempt from civil service any unused sick leave standing to the employee's credit at the time of separation from such a position; provided, the employee entered other state service not more than six months after sep-

arating from his exempt employment; and provided, such credit may not exceed the amount it would have been if such employment had been in the state civil service.

CHAPTER 990

An act to amend Sections 25121 and 25852 of, to add Section 25096 to, and to repeal Section 25096 of, the Agricultural Code, as proposed by Senate Bill No. 1, relating to poultry.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 25096 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 2. Section 25096 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

25096. The poultry meat inspector may eviscerate and inspect, pursuant to regulation adopted by the director, a percentage of any lot of New York dressed fowl and may require the evisceration and inspection of the entire lot if there is an abnormal incidence of disease in the percentage eviscerated and inspected.

SEC. 3. Section 25121 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

25121. This article does not apply to New York dressed fowl.

SEC. 4. Section 25852 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

25852. The classes of chicken meat, as determined by inspection of appearance and other physical characteristics, are as follows:

(a) "Rock Cornish game hen" or "Cornish game hen" means a young immature chicken of either sex (usually five to six weeks of age) which weighs not more than two pounds ready-to-cook weight that was prepared from a Cornish chicken of the progeny of a Cornish chicken crossed with another breed of chicken.

(b) "Broiler" or "fryer" means a young chicken (usually under 16 weeks of age) of either sex, that is tender-meated, with soft, pliable, smooth-textured skin, and flexible breastbone cartilage.

(c) "Roaster" means a young chicken (usually under eight months of age) of either sex, that is tender-meated, with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than that of a broiler or fryer.

(d) "Caponette," "caponette fryer," or "caponette roaster" means a young chicken with the general characteristics of either a fryer or roaster which has been treated with a hormone approved by the Food and Drug Administration

of the United States Department of Health, Education and Welfare.

(e) "Capon" means an unsexed male chicken (usually under 10 months of age), that is tender-meated with soft, pliable, smooth-textured skin.

(f) "Hen" or "stewing chicken" or "fowl" means a mature female chicken (usually more than 10 months old) with meat less tender than that of a roaster, and nonflexible breastbone.

(g) "Stag" means a male chicken (usually under 10 months of age) with coarse skin, somewhat toughened and darkened flesh, and considerable hardening of the breastbone cartilage. Stags show a condition of fleshing and a degree of maturity intermediate between that of a roaster and a cock or old rooster.

(h) "Cock" or "old rooster" means a mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone.

CHAPTER 991

An act to amend Section 9100 of the Vehicle Code, relating to diplomatic vehicles.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 9100 of the Vehicle Code is amended to read:

9100. The fees specified in this code except fees for duplicate license plates, certificates or cards need not be paid for any vehicle of a type subject to registration under this code owned by any foreign government or by a consul or other official representative thereof duly recognized by the United States Department of State, such exemption to be effective upon application for recognition made to the Department of State or when the department is otherwise satisfied that the exemption is in order.

CHAPTER 992

An act to amend Section 139.5 of the Civil Code and to add Sections 580.4 and 580.5 to the Welfare and Institutions Code, relating to county fees and charges.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 139.5 of the Civil Code is amended to read:

139.5. In any divorce action the court may direct that payments for support of children be made to the probation officer or county clerk or any other county officer the court designates. The court shall include in its order any service charge imposed under the authority of Section 580.5 of the Welfare and Institutions Code. The district attorney may appear or be directed by the court to appear, on behalf of the children, in any proceedings to enforce such order. Expenses of the probation officer, county clerk or other county officer designated by the court, and district attorney incurred in enforcement of such order, and any fees for service of process in enforcement of such order, shall be a charge on the county.

In order to defray expenses incurred by the district attorney in the enforcement of a child support order, when a district attorney undertakes to enforce a child support order under this section, the court may, by motion on notice or by order to show cause, order the party obligated to make support payments to pay to the county an additional amount as reasonable attorney fees, not to exceed 5 percent of the payments collected as a result of the enforcement, and such sum shall be deposited in the county general fund.

This section shall not be applicable in any county unless the board of supervisors thereof has voted to have it apply.

SEC. 2. Section 580.4 is added to the Welfare and Institutions Code, to read:

580.4. The board of supervisors may delegate to the auditor or other county officer any of the functions of the probation officer authorized by Section 580 and required by Sections 1685 to 1687, inclusive, of the Code of Civil Procedure.

SEC. 3. Section 580.5 is added to the Welfare and Institutions Code, to read:

580.5. The board of supervisors may impose a service charge at a uniform rate sufficient to defray the cost of services of the probation officer or other officer designated to act as trustee, not exceeding 2 percent of the amount collected, in addition to the payments made under subdivisions (a), (c), (d), or (f) of Section 580.

The service charge imposed in relation to payments under subdivision (c) of Section 580 shall be imposed only for payments made by probationers, and the service charge imposed in relation to payments made under subdivision (f) of Section 580 shall be imposed only for cases similar to those listed in subdivisions (a), (c), or (d) of that section.

When the payments are ordered by the court, the payment of the service charge shall be included in the order. All proceeds shall be deposited in the general fund of the county.

CHAPTER 993

An act to amend Section 22851 of the Vehicle Code, relating to abandoned vehicles.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 22851 of the Vehicle Code is amended to read as follows:

22851. Whenever a vehicle has been removed to a garage under the provisions of this chapter and the keeper of the garage has received the notice or notices as provided herein, the keeper shall have a lien dependent upon possession for his compensation for towage and for caring for and keeping safe such vehicle for a period not exceeding 60 days and, if the vehicle is not recovered by the owner within said 60 days or the owner is unknown, the keeper of the garage may satisfy his lien in the manner and after giving the notices required in Sections 3071 and 3072 of the Civil Code. Notwithstanding the provision of this section, if the vehicle is appraised at a value not exceeding one hundred dollars ($100) by a person authorized to make such appraisal, the keeper of the garage may, if the vehicle is not recovered by the owner within 20 days or the owner is unknown, satisfy his lien as provided in Section 3073 of the Civil Code or Section 22705 of this code.

CHAPTER 994

An act to add Section 11710.1 to the Vehicle Code, relating to bonds of motor vehicle dealers.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 11710.1 is added to the Vehicle Code, to read:

11710.1. An applicant may, in lieu of and subject to the same conditions as the bond required by Section 11710, deposit with the department a cash bond in the sum of five thousand dollars ($5,000), evidence, together with an assignment to the director, of deposit of said sum in banks authorized to do business in this state and insured by the Federal Deposit Insurance Corporation, or investment certificates or share accounts in the amount of five thousand dollars ($5,000) issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

CHAPTER 995

An act to amend Sections 43604, 47693, 47694, 47821 and 49643 of, to add Section 47830 to, and to repeal Section 47828 of, the Agricultural Code, as proposed by Senate Bill No. 1, relating to grapes and plums.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 43604 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

43604. Standard containers numbers 38I to 38Q, inclusive, are as follows:

		Dimensions in inches		
			Width	
Number	Name	Depth	at top	Length
38I	Standard grape lug	$4\frac{3}{4}$ to $6\frac{7}{16}$	$14\frac{1}{2}$ to $14\frac{7}{8}$ At bottom $9\frac{1}{2}$ to $11\frac{1}{2}$	$16\frac{1}{8}$
38J	Standard grape lug	$4\frac{1}{2}$ to $5\frac{1}{2}$	$14\frac{1}{2}$	$16\frac{1}{8}$
38K	Standard grape lug	$4\frac{1}{2}$ to $5\frac{3}{4}$	14 or $14\frac{3}{4}$	$16\frac{1}{8}$
38L	Grape lug	$4\frac{7}{16}$ to $6\frac{7}{16}$	$13\frac{1}{2}$	$16\frac{1}{8}$
38Q	Grape lug	$5\frac{1}{2}$	$11\frac{1}{2}$	$16\frac{1}{8}$

Standard containers numbers 38J and 38K may have a taper (up and in—down and in) at each corner.

SEC. 2. Section 47693 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

47693. Any variety of grapes which are in group A, as defined in Article 3 (commencing with Section 47661) of this chapter, except the Thompson Seedless and Perlette varieties, shall also be considered mature if the juice contains soluble solids equal to or in excess of 20 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization).

The Thompson Seedless variety shall be considered mature if the juice contains not less than $15\frac{1}{2}$ percent soluble solids, and the Perlette variety shall be considered mature if the juice contains not less than $14\frac{1}{2}$ percent soluble solids, provided the juice so tested for both varieties shall also contain soluble solids equal to or in excess of 20 parts to every part acid contained in the juice.

SEC. 3. Section 47694 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

47694. Any variety of grapes which is included in group A may be placed in the standard for juice grapes and any other variety may be placed in the standard which is established for table grapes, but regardless of standard, the maturity of varieties included in group A shall be determined by testing the juice from entire bunches representative of the least mature grapes in any lot and which constitute not less than 10 percent by weight, of the contents of each container that may be tested.

SEC. 4. Section 47821 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

47821. Subject to the restrictions and additions which are specified in this division, all grapes shall be placed in standard container number 5, 28, 30A, 38I, 38J, 38K, 38L, or 38Q.

SEC. 5. Section 47828 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 6. Section 47830 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

47830. All varieties of group A grapes as defined in Article 3 (commencing with Section 47661) of this chapter, shall be in standard containers which are lidded when prepared for transportation or sale. "Lidded" means that 40 percent or more of the opening of the container is covered by a material specified by regulation of the director after hearing.

Containers of grapes need not be closed when in a retail store and open for display to the consumers. "Consumers" means persons who purchase grapes for their own consumption and not for resale.

SEC. 7. Section 49643 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

49643. The following designations shall be used to indicate the size of the plums or fresh prunes in a container:

(a) If they are packed in the four-basket crate, the description of the arrangement of the pack in the top layer of the baskets, the total count of plums or fresh prunes in the container, or both the description of the arrangement and the total count.

(b) If they are wrapped and packed throughout in a straight side container, the count; or if they are packed without wrappers, in molded forms, cups, or similar packing devices, the count.

(c) If they are packed without wrappers throughout the container, or by the "face and fill" method, in any container, except the four-basket crate or the "round stave" basket, the "row count" directly followed by the word "row," "rows," or the letter "R" all in like size type, or the numerical description.

(d) If they are loose in any closed container except the "round stave" basket, the numerical description.

CHAPTER 996

An act to add Section 316 to the Fish and Game Code, relating to Pacific halibut.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 316 is added to the Fish and Game Code, to read:

316. The commission may prohibit the taking or possessing of Pacific halibut (Hippoglossus) in the same manner as the taking or possessing of Pacific halibut is prohibited by federal law or by rules or regulations adopted by the International Pacific Halibut Commission, notwithstanding any other provision of this code.

CHAPTER 997

An act to amend Section 54 of Chapter 120 of the Statutes of 1966, First Extraordinary Session, and to amend Section 29520 of the Government Code, relating to the property tax reduction fund.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 54 of Chapter 120 of the Statutes of 1966, First Extraordinary Session, is amended to read:

Sec. 54. Notwithstanding any of the provisions of law to the contrary, the additional amount of revenue which a county receives pursuant to the provisions of this act which is attributable to the increase of fees authorized by this act may be deposited in the property tax reduction fund, which fund shall be established by the board of supervisors of a county pursuant to Article 10 (commencing with Section 29520) of Chapter 2 of Division 3 of Title 3 of the Government Code.

SEC. 2. Section 29520 of the Government Code is amended to read:

29520. The board of supervisors shall establish a property tax reduction fund, into which shall be deposited all new revenues from sources other than property taxation, which are hereinafter specifically earmarked for this fund by the Legislature. Nothing in this section shall require any county to deposit revenues received as a result of Chapter 120 of 1966, First Extraordinary Session, into the property tax reduction fund. Any county may use the funds deposited in the property tax reduction fund to reduce the property tax rate in the

year the funds are to be deposited in the fund. The tax bill shall either show the reduction in the property tax rate due to funds deposited in the property tax reduction fund by the Legislature or such information shall be included in a statement which accompanies the tax bill.

CHAPTER 998

An act to add Sections 7031.5 and 7036 to the Water Code, relating to the furnishing or supplying of water.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 7031.5 is added to the Water Code, to read:

7031.5. As used in this chapter, "bridge" means a structure constructed to allow the conducting of water underneath by canal, ditch, flume or other uncovered appliance for conducting water.

SEC. 2. Section 7036 is added to the Water Code, to read.

7036. Any public district or private utility and any county may enter into a contract agreeing to pay and apportion between them the costs of locating, removing, repairing, or relocating any facilities owned or to be owned by either party on the roads or other property of the other in such proportion and upon such terms as the governing boards of the parties shall determine to be equitable.

This section shall not supersede the provisions of this chapter.

CHAPTER 999

An act to add Section 86 to the Streets and Highways Code, relating to the California Highway Commission.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 86 is added to the Streets and Highways Code, to read:

86. The commission may delegate to the Department of Public Works any ministerial or administrative power, duty, responsibility, or function of the commission and the authority of the commission to review, approve or modify the select systems of county roads and city streets as set forth in Section 186.3. The delegations authorized herein shall be upon such conditions and terms as the commission deems appropriate.

CHAPTER 1000

An act to amend Section 20016 of the Vehicle Code, relating to the transportation of persons injured upon a highway.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 20016 of the Vehicle Code is amended to read:

20016. Any peace officer, any member of an organized fire department or fire protection district, any employee of the Department of Public Works assigned to maintenance operations, or any member of the California Highway Patrol may transport or arrange for the transportation of any person injured in an accident upon any highway to a physician and surgeon or hospital, if the injured person does not object to such transportation. Any officer, member, or employee exercising ordinary care and precaution shall not be liable for any damages due to any further injury or for any medical, ambulance, or hospital bills incurred in behalf of the injured party.

CHAPTER 1001

An act to amend Section 14346 of the Revenue and Taxation Code, relating to persons entitled to list of contents of a safe deposit box.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 14346 of the Revenue and Taxation Code is amended to read:

14346. Upon payment to the county treasurer of a fee not exceeding the sum of one dollar ($1), the following persons and no others are entitled to receive from the county treasurer any copy prepared by the Controller, county treasurer, bank, savings and loan association, or company conducting a safe deposit box business of any list of the contents of any safe deposit box to which a decedent had access:

(a) An executor of the decedent's will.

(b) The administrator of the decedent's estate.

(c) The attorney for the executor or administrator.

(d) A surviving joint tenant or cotenant of the safe deposit box.

(e) Any heir of the decedent or beneficiary under the decedent's will.

(f) Any person whom the superior court having jurisdiction by order directs should be allowed to obtain a copy of the list.

CHAPTER 1002

An act to add Article 5 (commencing with Section 460) to Chapter 4 of Part 1 of Division 1 of, the Insurance Code, relating to insurance contracts.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Article 5 (commencing with Section 460) is added to Chapter 4 of Part 1 of Division 1 of the Insurance Code, to read:

Article 5. Inception Hours

460. On and after January 1, 1972, every printed form of an insurance contract, including every policy, endorsement, rider or any amendment thereof issued in this state by any insurer or issued for delivery in this state by any insurer shall state an inception hour for coverage of 12:01 a.m. of the date upon which it is to be dated. Unless a specific provision of this code otherwise prescribes or permits, the hour prescribed shall be standard time at the residence within this state, or the principal place of business within this state, of the insured.

This section shall not apply to:

(1) Life insurance as defined in Section 101 or such supplemental disability insurance as is defined in Sections 10271 and 10292.

(2) Marine insurance as defined in Section 103.

(3) Title insurance as defined in Section 104.

(4) Mortgage insurance as defined in Section 107.

(5) Mortgage guarantee insurance as defined in Section 119.

(6) Disability insurance as defined in Section 106, unless the contract specifies a period of coverage by description or specification greater than 29 days. This section shall not prohibit or void any contract provision which extends the period of coverage for either 12 hours following or preceding the effective hour prescribed by this section in order to provide continuous coverage in conjunction with a preceding or subsequent insurance contract, nor shall this section prohibit the parties from agreeing to a binder specifying an inception hour other than 12:01 a.m. on a date preceding the date upon which the main insurance contract, policy, endorsement, rider, or any amendment thereof is to be dated, which binder shall be effective as of the time specified therein.

CHAPTER 1003

An act to amend Section 726 of the Code of Civil Procedure, relating to real property mortgages and trust deeds.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 726 of the Code of Civil Procedure is amended to read:

726. There can be but one form of action for the recovery of any debt, or the enforcement of any right secured by mortgage upon real property, which action must be in accordance with the provisions of this chapter. In such action the court may, by its judgment, direct the sale of the encumbered property (or so much thereof as may be necessary), and the application of the proceeds of the sale to the payment of the costs of court, and the expenses of the sale, and the amount due plaintiff, including, where the mortgage provides for the payment of attorney's fees, such sum for such fees as the court shall find reasonable, not exceeding the amount named in the mortgage.

The court may, by its judgment, or at any time after judgment, appoint a commissioner to sell the encumbered property. It must require of him an undertaking in an amount fixed by the court, with sufficient sureties, to be approved by the judge, to the effect that the commissioner will faithfully perform the duties of his office according to law. Before entering upon the discharge of his duties he must file such undertaking, so approved, together with his oath that he will faithfully perform the duties of his office.

The decree for the foreclosure of a mortgage or deed of trust secured by real property or any interest therein shall declare the amount of the indebtedness or right so secured and, unless judgment for any deficiency there may be between the sale price and the amount due with costs is waived by the judgment creditor or a deficiency judgment is prohibited by Section 580b or Section 580d, shall determine the personal liability of any defendant for the payment of the debt secured by such mortgage or deed of trust and shall name such defendants against whom a deficiency judgment may be ordered following the proceedings hereinafter prescribed. In the event of such waiver, or if the prohibition of Section 580b or Section 580d is applicable the decree shall so declare and there shall be no judgment for a deficiency. In the event that a deficiency is not waived or prohibited and it is decreed that any defendant is personally liable for such debt, then upon application of the plaintiff filed at any time within three months of the date of the foreclosure sale and after a hearing thereon at which the court shall take evidence and at which hearing either

party may present evidence as to the fair value of the property or the interest therein sold as of the date of sale, the court shall render a money judgment against such defendant or defendants for the amount by which the amount of the indebtedness with interest and costs of sale and of action exceeds the fair value of the property or interest therein sold as of the date of sale; provided, however, that in no event shall the amount of said judgment, exclusive of interest from the date of sale and of costs exceed the difference between the amount for which the property was sold and the entire amount of the indebtedness secured by said mortgage or deed of trust. Notice of such hearing must be served upon all defendants who have appeared in the action and against whom a deficiency judgment is sought, or upon their attorneys of record, at least 15 days before the date set for such hearing Upon application of any party made at least 10 days before the date set for such hearing the court shall, and upon its own motion the court at any time may, appoint one of the inheritance tax appraisers provided for by law to appraise the property or the interest therein sold as of the time of sale. Such appraiser shall file his appraisal with the clerk and the same shall be admissible in evidence. Such appraiser shall take and subscribe an oath to be attached to the appraisal that he has truly, honestly and impartially appraised the property to the best of his knowledge and ability. Any appraiser so appointed may be called and examined as a witness by any party or by the court itself. The court must fix the compensation, not to exceed five dollars ($5) per day, and expenses for the time actually engaged in such appraisal, which may be taxed and allowed in like manner as other costs.

No person holding a conveyance from or under the mortgagor of the property mortgaged, or having a lien thereon, which conveyance or lien does not appear of record in the proper office at the time of the commencement of the action need be made a party to such action, and the judgment therein rendered, and the proceedings therein had, are as conclusive against the party holding such unrecorded conveyance or lien as if he had been a party to the action

If the court appoint a commissioner for the sale of the property, he must sell it in the manner provided by law for the sale of like property by the sheriff upon execution: and the provisions of Chapter 1 (commencing with Section 681), Title 9, Part 2, of this code are hereby made applicable to sale made by such commissioner, and the powers therein given and the duties therein imposed on sheriffs are extended to such commissioner.

In all cases heretofore, now or hereafter pending in the courts of this state, in the event of the death, absence from the state, other disability or disqualification of the commissioner appointed to sell encumbered property under the foregoing provisions of this section, the court may, upon the happening of either the death, absence from the state, other disability or disqualification of the commissioner, appoint an elisor to perform the duties of such commissioner which are

then to be performed in such action. The elisor so appointed shall give the undertaking, and take the oath hereinbefore provided to be given and taken by a commissioner, before entering upon the discharge of his duties, and shall thereafter perform all duties left unperformed by the commissioner whom he is appointed to succeed, with like effect as if such duties had been performed by the commissioner.

If the land mortgaged consists of a single parcel, or two or more contiguous parcels, situated in two or more counties, the court may, in its judgment, direct the whole thereof to be sold in one of such counties by the sheriff, commissioner or elisor, as the case may be, and upon such proceedings, and with like effect, as if the whole of the property were situated in that county.

CHAPTER 1004

An act to amend Section 51201 of, and to add Sections 51202 and 51203 to, the Government Code, relating to the California Land Conservation Act of 1965.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 51201 of the Government Code is amended to read:

51201. As used in this chapter, unless otherwise apparent from the context:

(a) "Agricultural commodity" means any and all plant and animal products produced in this state for commercial purposes.

(b) "Agricultural use" means use of land for the purpose of producing an agricultural commodity for commercial purposes.

(c) "Prime agricultural land" means (1) all land which qualifies for rating as class I or as class II in the Soil Conservation Service Land Use capability classifications, (2) land which qualifies for rating 80 through 100 in the Storie Index Rating, (3) land which supports livestock used for the production of food and fiber, and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture, (4) land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a commercial nonbearing period of less than five years and during the commercial bearing period will normally return on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars ($200) per acre, or (5) land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars ($200) per acre for three of the previous five years.

(d) "Agricultural preserve" means an area devoted to agricultural and compatible uses as designated by a city or county, and established by resolution of the governing body of a city or county after a public hearing. Notice of the hearing shall be published pursuant to Section 6061 of the Government Code. The governing body may, by resolution, provide procedures for initiating, filing and processing requests to establish agricultural preserves. The same procedure to establish an agricultural preserve shall be used to enlarge or diminish the size of an agricultural preserve including disestablishment of an agricultural preserve. In the event any proposed alteration of the boundary of an agricultural preserve or proposed disestablishment of an agricultural preserve will remove land under contract or agreement from an agricultural preserve, notice of the proposed alteration or disestablishment and hearing date shall be furnished by the county or city to the owner by registered United States mail directed to him at his latest address known to the county or city and such notice shall be furnished in a like manner to each owner of land in that preserve which has a common boundary with the land to be removed from the agricultural preserve. Such preserves, when established, shall be for the purpose of subsequently placing restrictions upon the use of land within them, or supplementing existing restrictions, pursuant to the purposes of this chapter. Such preserve may contain land other than prime agricultural land, but the use of any land not under contract within the preserve shall subsequently be restricted in such a way as to not be incompatible with the agricultural use of the prime agricultural land the use of which is limited by contract in accordance with this chapter. Such preserve may also be established even if it contains no prime agricultural land, provided that the land within the preserve is subsequently restricted to agricultural and compatible uses by agreement as provided in Section 51255, or by any other suitable means.

(e) Except as otherwise defined by this act, "compatible use" shall be determined by the city or county administering the agricultural preserve according to uniform rules. "Compatible use" shall include the erection, construction, alteration, or maintenance of gas, electric, water, or communication utility facilities, unless the governing board makes a finding after notice and hearing that any or all such facilities are not a compatible use. No land occupied by gas, electric, water, or communication utility facilities shall be excluded from a preserve by reason of such use.

(f) "Uniform rules" mean rules adopted by a city or county for the administration of each agricultural preserve including waiver of compensation pursuant to Section 51261, and such rules shall be uniform throughout the agricultural preserve for which the rules are adopted.

SEC. 2. Section 51202 is added to the Government Code, to read:

51202. The effect of removal of land under contract from an agricultural preserve shall be the equivalent of notice of nonrenewal by the city or county removing the land from the agricultural preserve and such city or county shall, at the appropriate time after the removal file a notice of nonrenewal as provided in Section 51245. The effect of removal of land under agreement from an agricultural preserve shall prevent any extensions or renewals of the agreement.

SEC. 3. Section 51203 is added to the Government Code, to read:

51203. For all purposes of this chapter, county-assessed values shall be used.

CHAPTER 1005

An act to add Section 14660.5 to the Government Code, relating to state property.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 14660.5 is added to the Government Code, to read:

14660.5. Whenever by statutory enactment or operation of law, a state agency is abolished or ceases to function, the control and possession of its assets, unless otherwise provided by law, shall vest in the Department of General Services for such use or disposition as the department may deem in the best interest of the state. In the event such state agency was entirely or substantially supported from a special fund, any moneys arising out of the use or disposition of such assets shall be deposited in such special fund or its successor fund. The unencumbered balance of the assets of a special fund which has been abolished or repealed shall be disposed of pursuant to Sections 16346 to 16350, inclusive.

CHAPTER 1006

An act to amend Section 820 of the Education Code, relating to county superintendent of schools.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 820 of the Education Code is amended to read:

820. The county superintendent of schools with the approval of the county board of education may:

(a) Conduct studies through research and investigation as are determined by the county board to be required in connection with the future management, conditions, needs, and financial support of the schools within the county; or join with one or more school district governing boards in the conduct of such studies.

(b) Install and maintain exhibits of educational programs and activities of the school districts within the county at any county fair or at any agricultural district fair.

(c) Inform and make known to the citizens of the county, the educational programs and activities of the school districts within his jurisdiction.

(d) Subscribe for membership in any society, association, or organization which has for its primary purpose the promotion and advancement of public or private education, subject to the same restrictions as are imposed by Section 1072 of this code on governing boards of school districts respecting such subscriptions.

CHAPTER 1007

An act to amend Sections 12003, 12102, 12204, 12241, 12259, 12261 and 12281, and to repeal Section 12260, of the Revenue and Taxation Code, relating to taxation of insurers.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 12003 of the Revenue and Taxation Code is amended to read:

12003. "Insurer" as used in this part includes each of the following:

(a) Insurance companies or associations.

(b) Reciprocal or interinsurance exchanges, together with their corporate or other attorneys in fact considered as a single unit.

(c) The State Compensation Insurance Fund.

As used in this section, "companies" includes persons, partnerships, joint stock associations, companies and corporations.

SEC. 2. Section 12102 of the Revenue and Taxation Code is amended to read:

12102. The tax is in lieu of all other state, county and municipal taxes and licenses upon the marine insurer, except taxes upon real estate, any retaliatory exactions imposed by paragraph (3) of subdivision (f) of Section 14¾ of Article XIII of the Constitution, motor vehicle and other vehicle registration license fees and any other tax or license fee imposed by the state upon vehicles, motor vehicles or the operation thereof, and taxes assessed or levied against the insurer on account of any other class of insurance written by it.

SEC. 3. Section 12204 of the Revenue and Taxation Code is amended to read:

12204. The tax imposed on insurers by this chapter is in lieu of all other taxes and licenses, state, county, and municipal, upon such insurers and their property, except:

(a) Taxes upon their real estate.

(b) That an insurer transacting title insurance in this state which has a trust department or does a trust business under the banking laws of this state is subject to taxation with respect to such trust department or trust business to the same extent and in the same manner as trust companies and the trust departments of banks doing business in this state.

(c) Any retaliatory exactions imposed by paragraph (3) of subdivision (f) of Section $14\frac{1}{5}$ of Article XIII of the Constitution.

(d) The tax on ocean marine insurance.

(e) Motor vehicle and other vehicle registration license fees and any other tax or license fee imposed by the state upon vehicles, motor vehicles or the operation thereof.

(f) That each corporate or other attorney in fact of a reciprocal or interinsurance exchange shall be subject to all taxes imposed upon corporations or others doing business in the state, other than taxes on income derived from its principal business as attorney in fact.

SEC. 4. Section 12241 of the Revenue and Taxation Code is amended to read:

12241. (a) Each insurer shall have the right to deduct from the tax imposed by this chapter upon an insurer in respect to a particular year the amount of real estate taxes paid by it, in that year, before, or within 30 days after, becoming delinquent, on real property owned by it at the time of payment, and in which was located, in that year, its home office or principal office in this state. Such real property may consist of one building or of two or more adjacent buildings in which such an office is located, the land on which they stand, and so much of the adjacent land as may be required for the convenient use and occupation thereof.

(b) In the event a portion of the real property described in subdivision (a) is occupied by a person or persons other than the insurer the deduction granted the insurer by said subdivision shall be limited to that percentage not to exceed 100 percent, equal to the sum of (i) the percentage of occupancy of the insurer obtained by deducting from 100 percent the ratio that the square footage of said building or buildings occupied by the person or persons other than the insurer bears to the total square footage of said building or buildings plus (ii) the lesser of one-half of said percent of occupancy of the insurer or 25 percent, provided, however, that the limitation set forth in this paragraph shall not be applicable to such real property occupied by a domestic insurer as its home office or principal office in this state on January 1, 1970, or to such real property upon which construction of the home office or principal office

of the domestic insurer commenced prior to January 1, 1970. As used in this section, "domestic insurer" means an insurer organized under the laws of this state and licensed to transact insurance in this state on or before December 31, 1966.

(c) The phrase "person or persons other than the insurer" as used in subdivision (b) of this section shall not include (i) another insurance company or association affiliated directly or indirectly with the insurer through direct ownership or common ownership or control; or (ii) the corporate or other manager of the insurer to the extent of its insurance management activities.

SEC. 5. Section 12259 of the Revenue and Taxation Code is amended to read:

12259. Every insurer required to make quarterly prepayments of tax under this article shall file a return with each quarterly remittance in the form prescribed by the commissioner. The return shall contain the computation of the prepayment and such other information as may be necessary to carry out this article. The return shall be signed and verified in the same manner as prescribed in Section 12303.

SEC. 6. Section 12260 of the Revenue and Taxation Code is repealed.

SEC. 7. Section 12261 of the Revenue and Taxation Code is amended to read:

12261. The insurer required to file a prepayment return shall deliver the return together with a remittance payable to the Controller for the amount of the prepayment computed and shown thereon, to the office of the commissioner.

SEC. 8. Section 12281 of the Revenue and Taxation Code is amended to read:

12281. Annually, on or before May 1st, each insurer subject to the imposition of retaliatory exactions shall file, in duplicate, with the Insurance Commissioner, in accordance with regulations promulgated by him, a retaliatory tax information return The regulations may define categories of insurers which the Insurance Commissioner reasonably believes will not owe any retaliatory taxes, licenses or fees. Insurers falling within such categories shall be exempt from making and filing an annual retaliatory tax information return and shall be relieved of the penalty with respect to an annual return imposed by Section 12282.

CHAPTER 1008

An act to amend Section 5545 of the Public Resources Code, relating to regional park district tax rates.

[Approved by Governor August 3, 1967 Filed with Secretary of State August 4, 1967]

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

SECTION 1. Section 5545 of the Public Resources Code is amended to read:

5545. It may levy and collect, or cause to be levied and collected, taxes to carry out any of its objects or purposes and to pay the obligations of the district. Taxes levied for any one fiscal year shall not exceed five cents ($0.05) on each hundred dollars ($100) of the assessed value of all real and personal property within the district. Provided, however, that for fiscal years 1964–65 through 1968–69 an additional tax of not to exceed five cents ($0.05) on each hundred dollars ($100) of the assessed value of all real and personal property within the district may be levied for use in land acquisition and capital improvements only. Provided, further, that for fiscal years 1969–70 through 1974–75 an additional tax of five cents ($0 05) on each hundred dollars ($100) of the assessed value of all real and personal property within the district may be levied for general purposes. Any tax provided for in this section shall be exclusive of any tax levied to meet the bonded indebtedness of the district and the interest thereon.

CHAPTER 1009

An act to amend Section 24651 of the Education Code, and to amend Section 165 of the Vehicle Code, relating to police departments.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 24651 of the Education Code is amended to read:

24651. The trustees may appoint one or more persons to constitute a state college police department for each state college. Persons employed and compensated as members of a state college police department, when so appointed and duly sworn, are peace officers only upon the campus of the state college and in or about other grounds or properties owned, operated, controlled, or administered by the state college, or by trustees or the state on behalf of the state college.

SEC. 2. Section 165 of the Vehicle Code is amended to read:

165. An authorized emergency vehicle is:

(a) Any publicly owned ambulance, lifeguard or lifesaving equipment.

(b) Any publicly owned vehicle operated by the following persons, agencies or organizations:

(1) Any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code.

(2) Any police department, including those of the University of California and the California State Colleges, sheriff's department, or the California Highway Patrol.

(3) The district attorney of any county or any district attorney investigator.

(4) Any constable or deputy constable engaged in law enforcement work.

(5) Peace officer personnel of the Department of Justice.

(c) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.

(d) Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the California Disaster Office or by any public agency or industrial fire department to which the California Disaster Office has assigned such vehicle.

(e) Any state-owned vehicle operated by a fish and game warden.

(f) Any vehicle owned or operated by any department or agency of the United States government:

(1) When such department or agency is engaged primarily in law enforcement work and the vehicle is used in responding to emergency calls, or

(2) When such vehicle is used in responding to emergency fire, ambulance or lifesaving calls.

(g) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol.

SEC. 3. Section 24651 of the Education Code is amended to read:

24651. The trustees may appoint one or more persons to constitute a state college police department for each state college. Persons employed and compensated as members of a state college police department, when so appointed and duly sworn, are peace officers only upon the campus of the state college and in or about other grounds or properties owned, operated, controlled, or administered by the state college, or by trustees or the state on behalf of the state college.

Notwithstanding anything in this section to the contrary, persons designated as peace officers by this section have full authority to conduct an investigation any place in this state, provided that such investigation is being conducted in the course of their employment, and may make an arrest for a felony at any place in the state when in fresh pursuit of a person reasonably believed to have committed a felony within the geographic limits imposed by the first paragraph of this section.

SEC. 4. Section 3 of this act shall become operative only if the amendment to Section 24651 of the Education Code as proposed by Assembly Bill No. 1382 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 1382 takes effect; at which time Section 24651 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 1010

An act to amend Sections 20866, 20868 and 20888 of the Business and Professions Code, relating to marketing of petroleum products.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 20866 of the Business and Professions Code is amended to read:

20866. It is unlawful for any person to operate a tank vehicle equipped with a meter for the purpose of measuring the quantities of products of different grades, brands or trade names withdrawn from any one or more compartments:

(a) If the quantity contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism is greater than four gallons where the meter discharge is designed for two-inch or smaller standard pipe size.

Where the quantity which is contained on the discharge side of the controlling or selecting mechanism is four gallons or less, it is unlawful to make a delivery of less than 50 gallons to any person who is engaged in the business of selling at retail gasoline or other motor fuel, unless, when such delivery of less than 50 gallons is made, such quantity of gasoline or other motor fuel other than which is to be delivered, as may remain from a previous delivery shall be cleared from the discharge side of the controlling or selecting mechanism.

(b) If the quantity contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism is greater than eight gallons where the meter discharge is designed for a standard pipe size in excess of 2 inches and not greater than 2½ inches.

Where the quantity which is contained on the discharge side of the controlling or selecting mechanism is more than four gallons and not greater than eight gallons, it is unlawful to make a delivery of less than 100 gallons to any person who is engaged in the business of selling at retail gasoline or other motor fuel, unless, when such delivery of less than 100 gallons is made, such quantity of gasoline or other motor fuel other than which is to be delivered, as may remain from a previous delivery shall be cleared from the discharge side of the controlling or selecting mechanism.

(c) If the quantity contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism is greater than 12 gallons where the meter discharge is designed for a standard pipe size in excess of 2½ inches and less than 4 inches.

Where the quantity which is contained on the discharge side of the controlling or selecting mechanism is more than 8 gallons and not greater than 12 gallons, it is unlawful to make a delivery of less than 150 gallons to any person who is engaged in the business of selling at retail gasoline or other motor fuel, unless, when such delivery of less than 150 gallons is made, such quantity of gasoline or other motor fuel other than which is to be delivered, as may remain from a previous delivery shall be cleared from the discharge side of the controlling or selecting mechanism.

(d) If the quantity contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism is greater than 16 gallons where the meter discharge or flow line size upstream of the meter is designed for a standard pipe size of four inches but less than five inches, whichever is greater.

Where the quantity which is contained on the discharge side of the controlling or selecting mechanism is more than 12 gallons, it is unlawful to make a delivery of less than 200 gallons to any person who is engaged in the business of selling at retail gasoline or other motor fuel, unless, when such delivery of less than 200 gallons is made, such quantity of gasoline or other motor fuel other than which is to be delivered, as may remain from a previous delivery shall be cleared from the discharge side of the controlling or selecting mechanism.

(e) If the quantity contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism is greater than 20 gallons where the meter discharge or flow line size upstream of the meter is designed for a standard pipe size of five inches but less than six inches, whichever is greater.

Where the quantity on the discharge side of the controlling or selecting mechanism is more than 16 gallons, it is unlawful to make a delivery of less than 250 gallons to any person who is engaged in the business of selling at retail gasoline or other motor fuel, unless, when such delivery of less than 250 gallons is made, such quantity of gasoline or other motor fuel other than which is to be delivered, as may remain from a previous delivery shall be cleared from the discharge side of the controlling or selecting mechanism.

(f) The quantity contained within the meter and its accessory devices on the discharge side of the controlling or selecting mechanism is greater than 24 gallons where the meter discharge or flow line size upstream of the meter is designed for a standard pipe size of six inches or more, whichever is greater.

Where the quantity on the discharge side of the controlling or selecting mechanism is more than 20 gallons, it is unlawful to make a delivery of less than 300 gallons to any person who is engaged in the business of selling at retail gasoline or other motor fuel, unless, when such delivery of less than 300 gallons is made, such quantity of gasoline or other motor fuel other

than which is to be delivered, as may remain from a previous delivery shall be cleared from the discharge side of the controlling or selecting mechanism.

SEC. 2. Section 20868 of the Business and Professions Code is amended to read:

20868. If a single meter with its accessory devices, and without a controlling or selecting mechanism, is used for the purpose of measuring the contents of one compartment only, or of two or more compartments, it is required that if such volume of liquid as may be retained in the meter and its accessory devices on the discharge side of the controlling or selecting mechanism shall exceed four gallons where the meter is designed for a two-inch or smaller standard pipe size, or eight gallons where the meter is designed for a standard pipe size in excess of 2 inches and not greater than 2½ inches, or 12 gallons where the meter is designed for a standard pipe size in excess of 2½ inches and less than 4 inches, or 16 gallons where the meter is designed for a standard pipe size of four inches and less than five inches, or 20 gallons where the system piping or meter outlet is five inches and less than six inches, or 24 gallons where the system piping or meter outlet is six inches or larger, the quantity so remaining shall be replaced whenever a change is made in the grade, brand or trade name of a product which is carried in such compartment or compartments.

SEC. 3. Section 20888 of the Business and Professions Code is amended to read:

20888 All words, letters, figures or numerals designating or indicating the price of gasoline or other motor vehicle fuel so offered for sale shall be of like color or tint, and all letters used in the word "gasoline" or the words "motor fuel" shall be of like color or tint.

CHAPTER 1011

An act to add Section 24155 to the Government Code, relating to county officers.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 24155 is added to the Government Code, to read:

24155. When the duties of officers are consolidated pursuant to Chapter 7 (commencing with Section 24300) of this part, the board of supervisors may elect to provide one official bond for the officer performing the duties of offices which are consolidated, and may prescribe the amount of such official bond.

CHAPTER 1012

An act to amend Section 2810 of the Streets and Highways Code, relating to special assessments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 2810 of the Streets and Highways Code is amended to read:

2810. None of the provisions of this division shall apply to proceedings hereafter commenced for the construction of sidewalks when required for the safety of pupils attending the schools, or for the construction of improvements to or traffic safety facilities for railroad crossings when required for the safety of pupils attending schools or farmworkers or other workmen, within a city or county and the necessity for such requirement is found to exist by the legislative body of such city or county conducting said proceedings, expressed by resolution adopted by the affirmative vote of four-fifths of the members thereof. The findings and determinations made by the legislative body pursuant to this section shall be final and conclusive upon all persons in the absence of actual fraud.

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 such necessity are:

The Public Utilities Commission exercises plenary powers to and does order the construction of improvements to and traffic safety facilities for railroad crossings and apportions the whole or a substantial portion of the costs thereof to the city or county in which they are located. Many of such crossings are of benefit only to private property and have been ordered for the sole purpose of protecting the lives of schoolchildren, farmworkers or other workmen who are required to use such crossing. At one of such crossings, 32 farmworkers met their death in 1963. The commission has ordered a multitude of crossing improvements which must be improved before this act could otherwise become effective. In order that the safety improvements may be constructed at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 1013

An act to amend Section 6301 of the Business and Professions Code, relating to libraries.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 6301 of the Business and Professions Code is amended to read:

6301. A board of law library trustees is constituted as follows:

(a) In a county where there are no more than three judges of the superior court, each of such judges is ex officio a trustee; in a county where there are more than three judges of the superior court, the judges of the court shall elect three of their number to serve as trustees. However, where there are no more than three judges of the superior court, the judges may at their option select only one of their number to serve as a trustee, and in such event they shall appoint two additional trustees who are members of the bar of the county.

Any judge who is an ex officio or elected member may at his option designate a member of the bar of the county to act for him as trustee.

(b) In a county in which one or more municipal courts have been established, the judges of such court or courts shall elect one of their number to serve as trustee.

(c) The chairman of the board of supervisors is ex officio a trustee, but the board of supervisors at the request of the chairman may appoint a member of the bar of the county or any other member of the board of supervisors of the county to serve as trustee in place of said chairman. The appointment of the person selected in lieu of the chairman of the board of supervisors shall expire when a new chairman of the board of supervisors is selected, and such appointment shall not be subject to the provisions of Section 6302.

(d) The board of supervisors shall appoint as many additional trustees, who are members of the bar of the county, as may be necessary to constitute a board of five members in any county in which a municipal court has not been established, or of six members in any county where such a court has been established.

CHAPTER 1014

An act to amend Sections 16082 and 16482 of the Vehicle Code, relating to the Financial Responsibility Law.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 16082 of the Vehicle Code is amended to read:

16082. (a) The privilege of driving a motor vehicle suspended as provided in Section 16080 shall remain suspended until:

(1) The person complies with the requirements of Section 16050, or

(2) The person deposits or there is deposited on his behalf the security required under this article.

(3) The driving privilege is suspended under the authority of Section 16370 as the result of a judgment arising out of the same cause of action for which security was required in the suspension authorized under Section 16080.

(b) Whenever the suspension provided in Section 16080 or Section 16053 has remained in effect for a period of one year from the date of accident or from the date security was required on the default of a duly acknowledged settlement agreement, the privilege of driving a motor vehicle and all licenses evidencing such privilege shall remain so suspended until:

(1) Proof of ability to respond in damages has been filed with the department in the manner prescribed by Section 16430. The department shall waive the requirement for proof of ability to respond in damages and upon request shall cancel any bond or certificate of insurance, or shall direct the return to the person entitled thereto of any money or securities deposited as proof of financial responsibility, at any time as specified in Section 16480; and

(2) There is no evidence on file with the department that during such one-year period an action at law arising out of the accident or upon the agreement has been instituted and is pending. Notice of an action at law instituted and pending within such one-year period that is filed with the department later than 30 days after the expiration of such one-year period shall not require the department to take any action upon such late notice. In the event that an action at law was filed as referred to herein, the department may, after three years from the date that eligibility for the termination of the suspension would have otherwise been established, terminate any action taken under Chapter 1 (commencing with Section 16000) of Division 7 of this code.

SEC. 2. Section 16482 of the Vehicle Code is amended to read:

16482. (a) Any person whose privilege to operate a motor vehicle or whose privilege to register a motor vehicle has been suspended because of failure to satisfy a judgment and the judgment has been outstanding for a period of three years or more, the person may be relieved of the penalties therein provided and the privilege of the person to operate and register a motor vehicle may be restored in the event the person files with the department and thereafter maintains proof of ability to respond in damages notwithstanding that the judgment which gave rise to the order of suspension has not been paid or fully satisfied.

(b) Any person who has filed proof of ability to respond in damages as hereinbefore required for three years, or who has been eligible to file such proof for three years, may be relieved of the requirement of filing proof as provided in subdivision (b) of Section 16480.

CHAPTER 1015

An act to amend Section 14290 of, and to add Section 14292 to, the Elections Code, relating to residence of voters.

[Approved by Governor August 3, 1967. Filed with Secretary of State August 4, 1967.]

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

SECTION 1. Section 14290 of the Elections Code is amended to read:

14290. The residence of the husband is the residence of the wife except as provided in Sections 14289 and 14292.

SEC. 2. Section 14292 is added to the Elections Code, to read:

14292. A woman resident of this state who marries a man employed temporarily in this state in the service of the United States government, may elect to retain her residency for the purpose of qualifying as an elector only, except that such residency in this state shall terminate if such woman qualifies as an elector in any other state or any territory.

CHAPTER 1016

An act relating to school district taxation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 5, 1967. Filed with Secretary of State August 5, 1967.]

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

SECTION 1. The maximum rate of school district tax for any school district is hereby increased by such amount as will,

when levied against each one hundred dollars ($100) of assessed value of property in the district, produce the amount necessary to recover any loss in revenues suffered and not recouped in prior fiscal years through an erroneous reduction of tax rates made under Section 20930 of the Education Code, as determined and certified to by the county superintendent of schools of the county in which the school district is situated.

SEC. 2. For purposes of any law requiring the maximum tax rate of a school district to be fixed on the basis of the revenues received by the district, whether from state subventions or local taxation, or both, the county superintendent of schools shall adjust such revenue factor to produce a higher maximum tax rate which will reflect the lower revenues received by the district as a result of any erroneous excessive reduction of tax rates under Section 20930 of the Education Code made in a fiscal year.

SEC. 3. This act shall be operative until June 30, 1969, and after that date shall have no force or effect.

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 such necessity are:

One or more school districts in the state have suffered serious losses in revenue as a result of erroneous reductions of school district tax rates computed in connection with the areawide school tax support system. In order that the urgently needed relief provided by this act may be availed of by the affected districts at the commencement of the 1967–1968 fiscal year, it is essential that this act take effect immediately.

CHAPTER 1017

An act to amend Section 6515.1 of the Health and Safety Code, relating to sanitary districts.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 6515.1 of the Health and Safety Code is amended to read:

6515.1. When the expenditure required for a district project exceeds three thousand five hundred dollars ($3,500), it shall be contracted for and let to the lowest responsible bidder after notice, subject to the provisions of Section 6515.3.

CHAPTER 1018

An act to amend Section 6489 of the Health and Safety Code, relating to compensation of sanitary district board members.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 6489 of the Health and Safety Code is amended to read:

6489. Each of the members of the board may receive not more than forty dollars ($40) for each day of his actual attendance of the meetings of the board, such compensation to be established by order of the board and entered upon its minutes. No member of the sanitary board shall, however, receive more than one hundred twenty dollars ($120) in any calendar month. The secretary of the sanitary board shall receive compensation to be set by the sanitary district board, which compensation shall be in lieu of any other compensation to which he may be entitled by reason of attendance at the meeting or meetings of the sanitary board.

Each member of the sanitary board shall be allowed eleven cents ($0.11) per mile, without any constructive mileage, for his expenses of traveling necessarily done by automobile, and his actual traveling expenses when he travels by rail.

CHAPTER 1019

An act to amend Section 6515.2 of the Health and Safety Code, relating to notice inviting bids.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 6515.2 of the Health and Safety Code is amended to read:

6515.2. The notice inviting bids shall set a date for the opening of bids. The first publication or posting of the notice shall be at least 10 days before the date of opening the bids. Notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation, circulated within the district, or if there is none, it shall be posted in at least three public places in the district that have been designated by resolution as the places for posting public notices. The notice shall distinctly state the project to be done.

CHAPTER 1020

An act to amend Section 10651 of the Education Code, relating to readers for blind students.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 10651 of the Education Code is amended to read:

10651. Whenever any blind person with the proper educational qualifications regularly matriculates, enters, and works for a degree, or for a diploma of graduation, in any university, college, or state college in this state, the Director of Education may provide, from any funds appropriated for the purpose or appropriated for the support of the California School for the Blind, a reader to assist him in his studies. Any reader whose services are provided pursuant to this section shall be deemed an independent contractor whose services shall have been contracted by the Director of Education for the benefit of such blind person, and not an employee of the Department of Education. Compensation for readers shall be established at a rate high enough to obtain competent readers, but in no event shall such compensation be less than the basic federal minimum wage. No more than 1,100 hours of service by a reader per annum shall be allowed for the instruction of any one student, except that for graduate students no more than 1,300 hours of service by a reader shall be allowed for the instruction of any one student; provided that a greater amount may be expended if the Superintendent of the California School for the Blind finds that the instruction of a student will be facilitated by such additional expenditure.

CHAPTER 1021

An act to add Chapter 8 (commencing with Section 3400) to Division 4 of the Health and Safety Code, relating to the immunization of school pupils against measles.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Chapter 8 (commencing with Section 3400) is added to Division 4 of the Health and Safety Code, to read:

CHAPTER 8. IMMUNIZATION AGAINST MEASLES

3400. No person may be unconditionally admitted as a pupil of a private elementary or secondary school or as a pupil

of any school district unless prior to his first admission to school in California he has been immunized against measles (rubeola) in the manner and with immunizing agents approved by the State Department of Public Health.

A person who has not received an immunizing dose of measles (rubeola) vaccine may be admitted on condition that within two weeks of the date of his admission he shall present evidence that he has been fully immunized against measles (rubeola).

This chapter does not apply to:

(a) Any person who is seeking admission to a public secondary school as an "adult" as that word is defined in Section 5756 of the Education Code.

(b) Any person who is seeking admission to a private secondary school for enrollment in a course consisting of less than 10 hours of instruction a week who attains his 21st birthday prior to the first day of the semester or other period of instruction for which he is seeking enrollment.

(c) Any person who is seeking admission to a junior college who has graduated from a high school located in this state.

(d) Students 18 years of age or older seeking enrollment in an adult school or a class for adults.

3400.5. Requirements for immunization as specified in this chapter shall be considered to be fulfilled if any person seeking admission possesses a physician's certificate which shows that the person has had measles (rubeola) or has been immunized against measles (rubeola).

3401. Such immunization shall be evidenced by a written record made on a form prescribed by the department. A copy of the record shall be given to the parent or guardian of the child, or if the person receiving immunization is an adult, the copy shall be given to him.

3402. The county health officer of each county shall organize and have in operation by January 1, 1968, an immunization program so that immunization is made available to all persons required by this chapter to be immunized. He shall also determine how the cost of such a program is to be recovered. To the extent that the cost to the county is in excess of that sum recovered from persons immunized, the cost shall be paid by the county in the same manner as other expenses of the county are paid.

Immunization performed by a private physician shall be acceptable for admission to school if the immunization is performed and records are made in accordance with rules established by the State Department of Public Health.

3403. The governing board of each school district and the governing authority of each private school shall cooperate with the county health officer in carrying out the program for immunization of persons applying for admission to any school under its jurisdiction. The governing board of any school district may use any funds, property, and personnel of the district for that purpose. The governing board of any school dis-

trict and the governing authority of any private school may permit any person licensed as a physician and surgeon to administer immunization agents to the children and adults seeking admission to any school under its jurisdiction.

3404. Immunization of a person shall not be required for admission to a public or private elementary or secondary school if the parent or guardian or responsible relative or adult who has assumed responsibility for his care and custody (in the case of a minor), or the person seeking admission (if an adult), files with the governing board of the school district or the governing authority of the private school, as the case may be, a letter or affidavit provided by the district or authority, stating that such immunization is contrary to his or her beliefs. However, whenever there is good cause to believe that a person is suffering from measles (rubeola), the person may be temporarily excluded from the school until the governing board of the school district or the governing authority of the private school is satisfied that the disease does not exist.

3405. If the parent or guardian (in the case of a minor) or the person seeking admission (if an adult) files with the governing board of the school district or the governing authority of the private school a written statement by a licensed physician to the effect that the physical condition of the child or adult is such, or medical circumstances relating to the child or adult are such that immunization is not considered safe, or reasonably beneficial to the individual, indicating the specific nature and probable duration of the medical condition or circumstances which contraindicate immunization, such person shall be exempt from the requirements of this chapter to the extent indicated by the physician's statement.

3406. The department shall adopt and enforce all rules and regulations necessary to carry out the provisions of this chapter.

3407. In enacting this chapter, it is the intent of the Legislature to provide a means for the eventual achievement of total immunization against measles (rubeola). This chapter is intended to provide exemptions from immunization under specified conditions. It is also designed to provide for the keeping of adequate records of immunization so that appropriate public agencies and the persons immunized will be able to ascertain that a person is immunized. It is also the intent of the Legislature that the persons required to be immunized by this chapter be allowed to obtain immunization from whatever medical source they so desire, subject only to the condition that the immunization be performed in accordance with the regulations of the State Department of Public Health and that a record of the immunization is made in accordance with such regulations.

CHAPTER 1022

An act to add Section 13717.1 to the Education Code, relating to merit system school districts.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 13717.1 is added to the Education Code, to read:

13717.1. Notwithstanding the provisions of Section 13717, the personnel commission, in a school district or a county superintendent of schools office employing 100 or fewer classified employees, may, with the consent of a majority of the classified employees, contract for the services of a qualified personnel director with another school district having the merit (civil service) system, or a city or a county governmental agency if the city or county has a civil service system for the management of its employee personnel.

Such a contract shall be for not more than two years and may be extended, with the approval of a majority of the classified employees, for additional periods not to exceed two years at one time.

If at the end of any contract period the district or county superintendent's office is employing more than 100 classified employees, the personnel commission shall then comply with the provisions of Section 13717.

A contract approved under the provisions of this section shall become null and void in the event of district reorganization when the provisions of the contract, if continued in force would supersede or be in conflict with the provisions of Sections 13584.1 or 13584.2.

CHAPTER 1023

An act to amend Section 639 of, and to add Section 639a to, the Penal Code, relating to credit.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 639 of the Penal Code is amended to read:

639. Every person who gives, offers, or agrees to give to any director, officer, or employee of a financial institution any emolument, gratuity, or reward, or any money, property, or thing of value for his own personal benefit or of personal advantage, for procuring or endeavoring to procure for any

person a loan or extension of credit from such financial institution is guilty of a felony.

As used in this section and Section 639a, "financial institution" means any person or persons engaged in the business of making loans or extending credit or procuring the making of loans or extension of credit, including, but not limited to state and federal banks, savings and loan associations, trust companies, industrial loan companies, personal property brokers, credit unions, small loan brokers, escrow companies, title insurance companies, insurance companies, small business investment companies, pawnbrokers, and retirement funds.

As used in this section and Section 639a the word "person" includes any person, firm, partnership, association, corporation, company, syndicate, estate, trust, business trust, or organization of any kind.

SEC. 2. Section 639a is added to the Penal Code, to read:

639a. Any officer, director or employee of a financial institution who asks, receives, consents, or agrees to receive any commission, emolument, gratuity, or reward or any money, property, or thing of value for his own personal benefit or of personal advantage for procuring or endeavoring to procure for any person a loan from such financial institution is guilty of a felony.

CHAPTER 1024

An act to amend Section 72002.1 of the Government Code, relating to county employment.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 72002.1 of the Government Code is amended to read:

72002.1. In any chartered county in which a system of civil service is in effect, the civil service commission thereof shall administer any civil service provisions made applicable by this code to attachés of municipal courts.

Subject to the express provisions of this section and of any other state law, the provisions of the county charter relating to civil service and the rules of the civil service commission adopted pursuant thereto shall be applicable to the said attachés of the municipal courts in the same manner and to the same extent as applicable generally to officers and employees of such county.

It shall be competent for the judge or a majority of the judges of any municipal court to adopt rules for the conduct of, and personnel privileges to be afforded, the personnel of their court; or for a majority of all of the municipal court judges in a county, convened from time to time by the presiding judge of

the municipal court district which embraces the county seat to adopt uniform rules for such purposes relative to the personnel serving the municipal courts in such county; and for that purpose they may adopt in whole or in part the provisions of any county ordinance applicable to employees of the county, except where the same may be in conflict with any provisions of the State Constitution or laws relating to municipal courts and their attachés. In any such county, subject to approval by the board of supervisors and subject to the county charter, such attachés may be voluntarily transferred from a position in a judicial district to any position in county employment and promoted or voluntarily demoted from a position in a judicial district to any position in county employment in substantially the same manner as transfers, demotions and promotions are authorized generally in county departments or between departments of the county.

This section shall not apply to municipal courts in judicial districts in San Diego County.

CHAPTER 1025

An act to add Article 17 (commencing with Section 74000) to Chapter 10 of Title 8 of, and to repeal Article 17 (commencing with Section 74000) of Chapter 10 of Title 8 of, the Government Code, relating to municipal courts.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Article 17 (commencing with Section 74000) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 2. Article 17 (commencing with Section 74000) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 17. Orange County

74000. This article applies to all of the municipal courts established in the County of Orange, which are in judicial districts entitled as follows: the North Orange County Judicial District, the Central Orange County Judicial District, the West Orange County Judicial District, the Orange County Harbor Judicial District, and the South Orange County Judicial District.

74001. There shall be the following number of judges: in the North Orange County Municipal Court, eight; in the Central Orange County Municipal Court, six; in the West Orange County Municipal Court, three; in the Orange County Harbor Municipal Court, three; and in the South Orange County Municipal Court, two.

74002. There shall be one clerk and administrative officer for each court who shall receive a biweekly salary as provided by the following range numbers of Section 74005:

For the North Orange County and Central Orange County Municipal Courts 55
For the West Orange County and Orange County Harbor Municipal Courts..... 53
For the South Orange County Municipal Court..... 51

74003. There shall be one marshal for each court who shall receive a biweekly salary as provided by the following range numbers of Section 74005:

For the North Orange County Municipal Court..... 56
For the Central Orange County Municipal Court..... 54
For the West Orange County Municipal Court..... 52
For the Orange County Harbor Municipal Court..... 52
For the South Orange County Municipal Court..... 50

74004. (a) The number of positions within each job classification which may be filled by appointment by the clerk and administrative officer and the marshal, respectively, of each such court, and the number of the salary range set forth in Section 74005 which constitutes the compensation for each job classification, are shown in the table below, in which the various municipal courts are designated by column headings from left to right in the same order as that in which their judicial districts are named in Section 74000:

Title of job classification	Applicable salary range number	Number of positions authorized in each court				
Appointed by the clerk and administrative officer:		NOC	COC	WOC	OCH	SOC
Chief deputy clerk II	47	1	1	0	0	0
Chief deputy clerk I	45	0	0	1	1	1
Division head II	41	3	3	0	0	0
Division head I	39	0	0	3	3	0
Municipal court clerk	37	9	7	3	3	2
Deputy clerk V	35	2	2	1	1	3
Deputy clerk IV	29	1	1	1	1	0
Deputy clerk III	27	6	6	2	2	0
Deputy clerk II	23	5	6	3	3	2
Deputy clerk I	21	38	28	16	14	8
Appointed by the marshal:						
Lieutenant	50	1	0	0	0	0
Sergeant	44	4	3	2	2	1
Deputy marshal II	38	17	14	8	8	4
Deputy marshal I	36	10	6	4	3	2
Chief clerk II	35	1	1	0	0	0
Chief clerk I	33	0	0	1	1	1
Clerk III	27	1	1	1	1	0
Clerk II	23	5	3	2	2	1
Clerk I	21	8	6	3	3	1

(b) The duties to be performed by persons employed in the respective job classifications listed above shall include the duties set forth in the class specifications for the respective classes established in accordance with the resolution of the County of Orange relating to the administration of the classification plan for county employees generally, plus such additional duties as may be assigned by the appointing authorities.

(c) All appointments to positions by the clerk and administrative officer and marshal, respectively, shall meet the minimum qualifications and tests of fitness for the job classifications, which shall be established in accordance with the resolution of the County of Orange relating to the administration of the classification plan for county employees generally.

(d) If an increase in the business of the court or any other emergency requires a greater number of attachés or employees for the prompt and faithful discharge of the business of the court than the number expressly provided in this article or requires the performance of duties of positions in a class not expressly provided in this article, with the approval of a majority of the judges of the court and the board of supervisors, the clerk or the marshal may appoint as many additional attachés or employees as are needed. The additional attachés or employees shall be selected and appointed in the same manner as those for whom express provision is made, and they shall receive salary and compensation as prescribed in this article or as prescribed in the County of Orange salary plan for classes not expressly provided for in this article. Additional attachés and employees may continue in such positions not longer than 90 days after the adjournment of the next regular session of the Legislature. The provisions of this section are directory only and are not mandatory and are not intended to affect the application of Section 72150 of this code.

74005. The schedule of biweekly salary ranges referred to in Sections 74002, 74003, and 74004 is as follows:

Range number	Biweekly Rates Step 1	2	3	4	5	6	7	8	9
9	126.40	129.60	133.60	136.80	140.00	144.00	147.20	151.20	156.00
10	129.60	133.60	136.80	140.00	144.00	147.20	151.20	156.00	160.00
11	133.60	136.80	140.00	144.00	147.20	151.20	156.00	160.00	164.00
12	136.80	140.00	144.00	147.20	151.20	156.00	160.00	164.00	168.80
13	140.00	144.00	147.20	151.20	156.00	160.00	164.00	168.80	173.60
14	144.00	147.20	151.20	156.00	160.00	164.00	168.80	173.60	177.60
15	147.20	151.20	156.00	160.00	164.00	168.80	173.60	177.60	182.40
16	151.20	156.00	160.00	164.00	168.80	173.60	177.60	182.40	187.20
17	156.00	160.00	164.00	168.80	173.60	177.60	182.40	187.20	192.80
18	160.00	164.00	168.80	173.60	177.60	182.40	187.20	192.80	197.60
19	164.00	168.80	173.60	177.60	182.40	187.20	192.80	197.60	203.20
20	168.80	173.60	177.60	182.40	187.20	192.80	197.60	203.20	208.80
21	173.60	177.60	182.40	187.20	192.80	197.60	203.20	208.80	214.40
22	177.60	182.40	187.20	192.80	197.60	203.20	208.80	214.40	220.00
23	182.40	187.20	192.80	197.60	203.20	208.80	214.40	220.00	225.60
24	187.20	192.80	197.60	203.20	208.80	214.40	220.00	225.60	232.00
25	192.80	197.60	203.20	208.80	214.40	220.00	225.60	232.00	238.40
26	197.60	203.20	208.80	214.40	220.00	225.60	232.00	238.40	244.80
27	203.20	208.80	214.40	220.00	225.60	232.00	238.40	244.80	251.20
28	208.80	214.40	220.00	225.60	232.00	238.40	244.80	251.20	258.40
29	214.40	220.00	225.60	232.00	238.40	244.80	251.20	258.40	265.60
30	220.00	225.60	232.00	238.40	244.80	251.20	258.40	265.60	272.80
31	225.60	232.00	238.40	244.80	251.20	258.40	265.60	272.80	280.80

Range number	Biweekly Rates Step 1	2	3	4	5	6	7	8	9
32	232.00	238.40	244.80	251.20	258.40	265.60	272.80	280.80	288.00
33	238.40	244.80	251.20	258.40	265.60	272.80	280.80	288.00	296.00
34	244.80	251.20	258.40	265.60	272.80	280.80	288.00	296.00	304.00
35	251.20	258.40	265.60	272.80	280.80	288.00	296.00	304.00	312.80
36	258.40	265.60	272.80	280.80	288.00	296.00	304.00	312.80	321.60
37	265.60	272.80	280.80	288.00	296.00	304.00	312.80	321.60	329.60
38	272.80	280.80	288.00	296.00	304.00	312.80	321.60	329.60	339.20
39	280.80	288.00	296.00	304.00	312.80	321.60	329.60	339 20	348.80
40	288.00	296.00	304.00	312.80	321.60	329.60	339.20	348.80	358.40
41	296.00	304.00	312.80	321.60	329.60	339.20	348.80	358.40	368.00
42	304 00	312.80	321.60	329.60	339.20	348.80	358.40	368.00	377.60
43	312.80	321.60	329.60	339.20	348.80	358.40	368.00	377.60	388.80
44	321.60	329.60	339.20	348.80	358.40	368.00	377.60	388.80	399.20
45	329.60	339.20	348.80	358.40	368.00	377.60	388.80	399.20	410.40
46	339.20	348.80	358.40	368.00	377.60	388.80	399.20	410.40	421.60
47	348.80	358.40	368.00	377.60	388.80	399.20	410.40	421.60	433.60
48	358.40	368.00	377.60	388.80	399.20	410.40	421.60	433.60	445.60
49	368.00	377.60	388.80	399.20	410.40	421.60	433.60	445.60	457.60
50	377.60	388.80	399.20	410.40	421.60	433.60	445.60	457.60	470.40
51	388.80	399.20	410.40	421.60	433.60	445.60	457.60	470.40	484.00
52	399.20	410.40	421.60	433.60	445.60	457.60	470.40	484.00	496.80
53	410.40	421.60	433.60	445.60	457.60	470.40	484.00	496.80	511.20
54	421.60	433.60	445.60	457.60	470.40	484.00	496.80	511.20	525.60

Range number	Biweekly Rates Step 1	2	3	4	5	6	7	8	9
55	433.60	445.60	457.60	470.40	484.00	496.80	511.20	525.60	540.00
56	445.60	457.60	470.40	484.00	496.80	511.20	525.60	540.00	555.20
57	457.60	470.40	484.00	496.80	511.20	525.60	540.00	555.20	570.40
58	470.40	484.00	496.80	511.20	525.60	540.00	555.20	570.40	586.40
59	484.00	496.80	511.20	525.60	540.00	555.20	570.40	586.40	602.40
60	496.80	511.20	525.60	540.00	555.20	570.40	586.40	602.40	620.00
61	511.20	525.60	540.00	555.20	570.40	586.40	602.40	620.00	636.80
62	525.60	540.00	555.20	570.40	586.40	602.40	620.00	636.80	655.20
63	540.00	555.20	570.40	586.40	602.40	620.00	636.80	655.20	672.80
64	555.20	570.40	586.40	602.40	620.00	636.80	655.20	672.80	692.00
65	570.40	586.40	602.40	620.00	636.80	655.20	672.80	692.00	710.40
66	586.40	602.40	620.00	636.80	655 20	672.80	692.00	710.40	730.40
67	602.40	620.00	636.80	655.20	672.80	692.00	710.40	730.40	751.20
68	620.00	636.80	655.20	672.80	692.00	710.40	730.40	751.20	772.00
69	636.80	655.20	672.80	692.00	710.40	730.40	751.20	772.00	793.60
70	655.20	672.80	692.00	710.40	730.40	751.20	772.00	793.60	815.20
71	672.80	692.00	710.40	730.40	751.20	772.00	793.60	815.20	838.40
72	692.00	710.40	730.40	751.20	772.00	793.60	815.20	838.40	861.60
73	710.40	730.40	751.20	772.00	793.60	815.20	838.40	861.60	885.60
74	730.40	751.20	772.00	793.60	815.20	838.40	861.60	885.60	910.40
75	751.20	772.00	793.60	815.20	838.40	861.60	885.60	910.40	935.20
76	772.00	793.60	815.20	838.40	861.60	885.60	910.40	935.20	961.60
77	793.60	815.20	838.40	861.60	885.60	910.40	935.20	961.60	988.80

Range number	Biweekly Rates Step 1	2	3	4	5	6	7	8	9
78	815.20	838.40	861.60	885.60	910.40	935.20	961.60	988.80	1,016.00
79	838.40	861.60	885.60	910.40	935.20	961.60	988.80	1,016.00	1,044.80
80	861.60	885.60	910.40	935.20	961.60	988.80	1,016.00	1,044.80	1,073.60
81	885.60	910.40	935.20	961.60	988.80	1,016.00	1,044.80	1,073.60	1,103.20
82	910.40	935.20	961.60	988.80	1,016.00	1,044.80	1,073.60	1,103.20	1,132.80
83	935.20	961.60	988.80	1,016.00	1,044.80	1,073.60	1,103.20	1,132.80	1,165.60
84	961.60	988.80	1,016.00	1,044.80	1,073.60	1,103.20	1,132.80	1,165.60	1,196.00
85	988.80	1,016.00	1,044.80	1,073.60	1,103.20	1,132.80	1,165.60	1,196.00	1,228.80
86	1,016.00	1,044.80	1,073.60	1,103.20	1,132.80	1,165.60	1,196.00	1,228.80	1,262.40
87	1,044.80	1,073.60	1,103.20	1,132.80	1,165.60	1,196.00	1,228.80	1,262.40	1,296.00
88	1,073.60	1,103.20	1,132.80	1,165.60	1,196.00	1,228.80	1,262.40	1,296.00	1,331.20
89	1,103.20	1,132.80	1,165.60	1,196.00	1,228.80	1,262.40	1,296.00	1,331.20	1,367.20
90	1,132.80	1,165.60	1,196.00	1,228.80	1,262.40	1,296.00	1,331.20	1,367.20	1,404.80
91	1,165.60	1,196.00	1,228.80	1,262.40	1,296.00	1,331.20	1,367.20	1,404.80	1,442.40
92	1,196.00	1,228.80	1,262.40	1,296.00	1,331.20	1,367.20	1,404.80	1,442.40	1,481.60
93	1,228.80	1,262.40	1,296.00	1,331.20	1,367.20	1,404.80	1,442.40	1,481.60	1,521.60
94	1,262.40	1,296.00	1,331.20	1,367.20	1,404.80	1,442.40	1,481.60	1,521.60	1,564.00
95	1,296.00	1,331.20	1,367.20	1,404.80	1,442.40	1,481.60	1,521.60	1,564.00	1,605.60
96	1,331.20	1,367.20	1,404.80	1,442.40	1,481.60	1,521.60	1,564.00	1,605.60	1,649.60
97	1,367.20	1,404.80	1,442.40	1,481.60	1,521.60	1,564.00	1,605.60	1,649.60	1,693.60
98	1,404.80	1,442.40	1,481.60	1,521.60	1,564.00	1,605.60	1,649.60	1,693.60	1,740.00
99	1,442.40	1,481.60	1,521.60	1,564.00	1,605.60	1,649.60	1,693.60	1,740.00	1,786.40
100	1,481.60	1,521.60	1,564.00	1,605.60	1,649.60	1,693.60	1,740.00	1,786.40	1,836.00
101	1,521.60	1,564.00	1,605.60	1,649.60	1,693.60	1,740.00	1,786.40	1,836.00	1,884.80

(a) The initial hiring rate for each position shall be step 1 provided for such position by this section. If, however, it is difficult to secure qualified personnel at such rate or if a person of unusual qualifications is employed, the appointing authority, with the approval of a majority of the judges, or in the event of an equal division of the judges, of the judge senior in service, and of the board of supervisors, may employ such person at one of the higher salary steps provided for the position.

(b) Administration of the salary plan provided by this article (commencing with Section 74000), including the determination of the anniversary dates for entitlement to salary increments, increases within range, salary on promotion, transfer or demotion, salary on position reclassification, and all other relevant matters, shall be in accordance with the resolution of the County of Orange relating to the administration of the county salary plan for county employees generally, and Section 72001 shall not be applicable to the positions authorized by this article.

(c) The officers and attachés of the municipal court shall be entitled to the same vacation, leaves of absence, compensation during absence from duty for injuries arising out of and in the course of employment, and other similar benefits and privileges as are now or may hereafter be granted to employees of the County of Orange by the resolution of the County of Orange relating to the administration of the county salary plan for county employees generally.

(d) Notwithstanding any other provisions of law, the salary of municipal court employees may, upon approval of the board of supervisors, be increased or decreased within the limits set forth in this section in order to provide compensation that is comparable to county employees of similar qualifications and experience, holding equal or comparable positions in the Orange County classified service as the comparability is determined by the board of supervisors.

74006. Upon the effective date of this article, as enacted at the 1967 Regular Session of the Legislature, the incumbent attachés and employees shall each succeed to and be assigned to the positions provided by this article, the duties of which are comparable to the positions formerly held by such attachés and employees. The appointing authority, with the approval of the majority of the judges in each court, or in the event there is an equal division of judges in any court, with the approval of the judge senior in service therein, shall determine the position to which each incumbent attaché or employee shall be assigned.

Each of the incumbent officers, attachés, and employees shall retain the same salary, in the new salary range made applicable to his position in this article, as he occupied in the superseded salary range or position.

Notwithstanding any other provisions of law, incumbent officers attachés and employees whose positions are reclassi-

fied by this article shall receive a salary not lower than the superseded salary and further salary increases of those persons shall be in accordance with provisions of the resolution of the County of Orange relating to the administration of the county salary plan for county employees generally.

CHAPTER 1026

An act to amend Section 53635 of the Government Code, relating to funds of local agencies.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 53635 of the Government Code is amended to read:

53635. So far as possible, all money belonging to, or in the custody of, a local agency, including money paid to the treasurer or other official to pay the principal, interest, or penalties of bonds, shall be deposited for safekeeping in state or national banks in the state selected by the treasurer or other official having the legal custody of the money, or may be invested in:

(a) Bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Bonds of this state, or those for which the faith and credit of this state are pledged for the payment of principal and interest.

(c) Bonds of any county, city, metropolitan water district, municipal utility district, or school district of this state.

(d) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, in debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, in bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, in stock, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act as amended, and in the bonds of any federal home loan bank established under said act.

CHAPTER 1027

An act to amend Section 29007 of the Education Code, relating to an academic or honorary degree or diploma.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 29007 of the Education Code is amended to read:

29007. Except as otherwise provided by law, no person, firm, association, partnership or corporation may issue, confer or award an academic or honorary "degree" or "title" (meaning any designation, mark, appellation, series of letters or words such as, but not limited to, associate, bachelor, master, doctor or fellow) which signifies, purports or is generally taken to signify satisfactory completion of the requirements of an academic or professional program of study beyond the secondary school level unless such person, firm, association, partnership or corporation meets the requirements of any one of the three subdivisions of subdivision (a) of this section.

No person, firm, association, partnership or corporation may issue, confer, or award any "diploma" bearing the words diploma, certificate, transcript, document or other writing, other than the awarding of a "degree" title, representing that any person has completed any course of study beyond high school unless such person, firm, association, partnership or corporation meets the requirements of one of the subdivisions (b), (c), (d), (e), or (f) of this section.

(a) (1) A person, firm, association, partnership or corporation which at the time of the issuance of a "degree" has accreditation of the course upon which the "degree" is based by a national accrediting agency recognized by the United States Department of Health, Education, and Welfare, Office of Education, or is accredited by the applicable regional accrediting agency recognized by the United States Department of Health, Education, and Welfare, Office of Education, and provided further that the educational institution has filed with the Superintendent of Public Instruction an affidavit by the president of the institution stating that the institution is so accredited.

(2) A person, firm, association, partnership or corporation approved by the Superintendent of Public Instruction to award or issue specified degrees. Such permission shall be granted upon a year-to-year basis by the Superintendent of Public Instruction. Application for such authorization shall be on forms furnished by the Bureau of Readjustment Education, State Department of Education. The Superintendent of Public Instruction shall not approve an institution to issue degrees until it is determined, based on information submitted to him, that the course of instruction has the facilities and the faculty

to afford students and require of students the completion of a program of education which will prepare them for the attainment of a recognized professional, vocational, or educational objective; and the curriculum is consistent in content and quality with curricula offered by established institutions that issue the appropriate degree upon the satisfactory completion thereof. For the purpose of this subdivision the Superintendent of Public Instruction may compare with the requirements and standards of an accrediting agency generally accepted by the class of institution concerned. This shall include the determination that the course for which the degree is granted achieves its professed or claimed objective for higher education. The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the Superintendent of Public Instruction made pursuant to this subdivision.

(3) A corporation which has filed with the Superintendent of Public Instruction an affidavit by the president or other head of the corporation, stating that the corporation owns an interest in real or personal property or both real and personal property used exclusively for the purpose of education, of a fair market value of not less than fifty thousand dollars ($50,000). Such affidavit shall be accompanied by an appraisal by a state inheritance tax appraiser appointed for the county in which the institution is located, describing the real or personal property or both, and showing the value of the interest of the corporation therein to be at least fifty thousand dollars ($50,000). The value of the interest of the property required to be owned by the corporation for the purposes of this section shall be deemed to be the appraised value of the interest owned by the corporation less the unpaid balance on any note secured by a mortgage or deed of trust thereon or the unpaid balance on a contract of sale thereof. Filing pursuant to this section shall not be interpreted to mean, and it shall be unlawful for any corporation to expressly or impliedly represent by any means whatsoever, that the State of California, the Superintendent of Public Instruction, the State Board of Education, the California State Department of Education, or any division or bureau thereof, has made any evaluation, recognition, accreditation, approval, or endorsement of the course of study.

(b) A hospital licensed under the provisions of Division 2, Chapter 2 (commencing with Section 1400) of the Health and Safety Code, which issues diplomas in connection with the operation of a hospital.

(c) A person, firm, association, partnership or corporation which is accredited, approved, or licensed by a state board or agency as a school and which issues or confers diplomas in the profession, vocation or occupation controlled by the board or agency accrediting, approving, or licensing it; provided, that this subdivision shall not be construed as authorizing the issuing of a diploma which is not customarily granted for the

training given and which is limited to the profession, vocation or occupation controlled by the accrediting, approving, or licensing board.

(d) Any educational institution accredited for teacher training by the State Board of Education for credentials in the field of teacher training; provided, that this subdivision shall not be construed as authorizing the issuance of a diploma which is not based exclusively on the courses of instruction accredited by the State Board of Education.

(e) A person, firm, association, partnership, or corporation which at the time of the issuance of a "diploma," as "diploma" is defined in Section 29001, has accreditation of the specific course of study upon which the "diploma" is based by a national or applicable regional accrediting agency recognized by the United States Department of Health, Education, and Welfare, Office of Education; provided, that the educational institution has filed with the Superintendent of Public Instruction an affidavit by the administrative head of the institution stating that the course of study is so accredited.

(f) A person, firm, association, partnership or corporation authorized by the Superintendent of Public Instruction to issue specified diplomas. Such permission shall be granted upon a year-to-year basis by the Superintendent of Public Instruction upon the submission of information to him that the courses of instruction and the faculty or requirements of such applicant will afford students or require of students a course of education comparable to that being furnished by persons, firms, associations, partnerships and corporations offering similar instruction and complying with other subdivisions hereof. For the purpose of this subdivision, the Superintendent of Public Instruction may rely on the findings of an accrediting or approving agency generally accepted by the class of institution concerned and shall consider the results of the examination taken pursuant to Section 2941.5 of the Business and Professions Code, by students of any applicant. The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the superintendent made pursuant to this subdivision.

CHAPTER 1028

An act to amend Section 13161.5 of the Health and Safety Code, relating to fires and fire protection.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 13161.5 of the Health and Safety Code is amended to read:

13161.5. No portable fire extinguisher shall be marketed, distributed, or sold in this state unless all of the following requirements are met:

(a) It complies with the regulations and standards adopted by the State Fire Marshal pursuant to Section 13160.

(b) It bears the seal of approval of the Underwriters Laboratory, Factory Mutual Laboratory, or other testing laboratory which is approved by the State Fire Marshal as qualified to test portable fire extinguishers.

(c) Complete instructions regarding the types of fires which the portable fire extinguisher is designed to control and proper cautions regarding its use and care are firmly attached to it.

(d) It does not use as an extinguishing agent any carbon tetrachloride, chlorbromomethane, or methyl bromide, except that carbon tetrachloride may be used for the purpose of extinguishing fires on public utility poles.

The State Fire Marshal may grant reasonable exceptions to this subdivision when the extinguisher is intended for industrial use in places to which the public is not invited or admitted.

CHAPTER 1029

An act to amend Section 25 of the Civil Code, relating to minors.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 25 of the Civil Code is amended to read:

25. Minors are all persons under 21 years of age; provided, that this section shall be subject to the provisions of the titles of this code on marriage and shall not be construed as repealing or limiting the provisions of Section 204 of this code; provided further, that any person who has reached the age of 18 years and thereafter contracts a lawful marriage, or who has contracted a lawful marriage and thereafter reaches the age of 18 years, shall in the first instance upon contracting such marriage, and in the second instance upon reaching the age of 18 years, be of the age of majority for all purposes of the Civil Code, the Probate Code, and the Code of Civil Procedure and for the purposes of all other codes be deemed an adult person for the purposes of entering into any engagement or transaction respecting property or his estate, or for the purpose of entering into any contract, the same as if he were 21 years of age. Subsequent judgment of annulment of such marriage shall not deprive such person of his adult status once attained under the foregoing provision, unless such judgment is obtained in an action commenced prior to his reaching the age of 18 years, in which latter event he shall be deemed to have remained a minor at all times notwithstanding such marriage.

CHAPTER 1030

An act to convey certain salt marsh, tide and submerged lands to the City of Benicia, in furtherance of navigation, commerce and fisheries upon certain trusts and conditions, and providing for the government, management, use, and control thereof, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. There is hereby granted to the City of Benicia, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by the state by virtue of its sovereignty in and to all salt marsh, tide and submerged lands, whether filled or unfilled, as follows:

Beginning at a point on the southwest line of "D" Street on the permanent waterfront line of City of Benicia, as established by an Act of the California State Legislature approved March 21, 1868 (Stats. 1868, Chapter 216), at the intersection with the southerly extension of the westerly line of the former Benicia Arsenal, between East Seventh and East Eighth Streets; thence along said permanent waterfront line as described in said act, easterly to the westerly boundary of the area granted to the City of Benicia by Statutes of 1964 (1st Ex. Sess.), Chapter 18, as shown on that certain map entitled "Map of Grant to City of Benicia" recorded May 17, 1966, in Book 23 of Maps at page 2, Official Records of Solano County; thence southerly along said westerly boundary to the U. S. Pierhead Line for the northerly side of Carquinez Strait approved by the Department of the Army August 28, 1962; thence westerly along said Pierhead Line 2585 feet, more or less, to an intersection with the southerly extension of said westerly line of the former Benicia Arsenal; thence northerly along said southerly extension of said westerly line to the point of beginning, containing 38.50 acres, more or less.

To be forever held by such city and by its successors in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) That the lands shall be used by the city and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities, as may be specified by the city council, after public hearing.

(3) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(5) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(6) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(b) The city, or its successors shall not at any time, grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the city, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce and navigation, and collect and retain rents

and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937, and any such franchise shall be effective with respect to the lands.

(c) Within 10 years from the effective date of this act, the lands shall be substantially improved by the city without expense to the state, and if the State Lands Commission determines that the city has failed to improve the lands as herein required, all right, title, and interest of the city in and to all lands granted by this act shall cease and the lands shall revert and rest in the state.

Nothing contained in this act, however, shall preclude expenditures for the development of the lands for any public purpose not inconsistent with commerce, navigation and fishery, by the state, or any board, agency or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The state shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(f) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose.

(g) There is hereby excepted and reserved in the state all deposits of minerals, including oil and gas, in the lands, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands.

(h) Such lands are granted subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a

description and plat thereof in the office of the County Recorder of Solano County.

(j) The city shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon.

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 such necessity are:

At the present there are immediate plans to develop the area surrounding the City of Benicia, and such development will benefit the people of the state as a whole. There is also confusion as to the title to land granted to the City of Benicia by the state which jeopardizes such development plans. This act will resolve any doubt concerning title to such land and will thus permit the immediate development of the area surrounding the City of Benicia. In order that such development plans can be effectuated, and the people of the state benefited, it is necessary that this act go into immediate effect.

CHAPTER 1031

An act to amend Sections 10209.5, 10210, 10214.5, 10215 and 10450.6 of the Business and Professions Code, relating to real estate fees.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 10209.5 of the Business and Professions Code is amended to read:

10209.5. The restricted broker license fee is seventy-five dollars ($75) for a four-year period.

SEC. 2. Section 10210 of the Business and Professions Code is amended to read:

10210. The real estate broker license fee is seventy-five dollars ($75) for a four-year period.

In the case of an original applicant, the fee is payable after the applicant is notified of passing the examination for license.

SEC. 3. Section 10214.5 of the Business and Professions Code is amended to read:

10214.5. The restricted salesman license fee is fifty dollars ($50) for a four-year period.

SEC. 4. Section 10215 of the Business and Professions Code is amended to read:

10215. The real estate salesman license fee is fifty dollars ($50) for a four-year period.

In the case of an original applicant, the fee is payable after the applicant is notified of passing the examination for license.

SEC. 5. Section 10450.6 of the Business and Professions Code is amended to read:

10450.6. One-fourth of the amount of any license fee in excess of the first ten dollars ($10) collected by the commissioner under this part shall be paid into the treasury of the state to the credit of the Real Estate Education, Research and Recovery Fund. All moneys credited to said fund shall be allocated 80 percent for education and research and 20 percent for carrying out the provisions of Article 3 (commencing with Section 10450) of Chapter 6 of this part.

SEC. 6. This act shall become operative on January 2, 1968.

CHAPTER 1032

An act to repeal Section 2 of Chapter 1576 of the Statutes of 1965, relating to migratory agricultural workers.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 2 of Chapter 1576 of the Statutes of 1965 is repealed.

CHAPTER 1033

An act to amend Section 16510 of the Education Code, relating to schoolbuses.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 16510 of the Education Code is amended to read:

16510. The cost of maintaining schoolbuses may be paid out of any funds of the district except funds derived from the sale of bonds and funds required by law to be set aside for teachers' salaries.

CHAPTER 1034

An act to amend Section 24049 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 24049 of the Business and Professions Code is amended to read:

24049. The department may refuse to transfer any license when the applicant is delinquent in the payment of any taxes due under the Alcoholic Beverage Tax Law, the Sales and Use Tax Law, the Personal Income Tax Law, or the Bank and Corporation Tax Law, or on unsecured property as defined in Section 134 of the Revenue and Taxation Code, when such tax liability arises in full or in part out of the exercise of the privilege of an alcoholic beverage license, or any amount due under the Unemployment Insurance Code when such liability arises out of the conduct of a business licensed by the Department of Alcoholic Beverage Control.

CHAPTER 1035

An act to amend Section 1300 of, to add Section 1260 to, and to repeal Sections 1260 and 1302 of, the Business and Professions Code, relating to clinical laboratory personnel.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 1260 of the Business and Professions Code is repealed.

SEC. 2. Section 1260 is added to the Business and Professions Code, to read:

1260. The board shall issue a clinical laboratory bioanalyst's license to each person who is a lawful holder of a degree of master of arts, master of science, or an equivalent or higher degree as determined by the department with a major in one of the biological sciences. Such education shall have been obtained in one or more established and reputable institutions maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western Association of Schools and Colleges or an essentially equivalent accrediting agency, as determined by the department. The applicant also shall have a minimum of four years' experience as a licensed clinical laboratory technologist, per-

forming clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory approved by the department. The quality and variety of this experience shall be satisfactory to the department and shall have been obtained within the six-year period immediately antecedent to admission to the examination. The board shall determine by written, oral, and practical examination that the applicant is properly qualified. The board shall establish by regulation the required courses to be included in the college or university training.

SEC. 3. Section 1300 of the Business and Professions Code is amended to read:

1300. The amount of application and license fee under this chapter shall be as follows:

(a) The application fee for a clinical laboratory bioanalyst's license is twenty-five dollars ($25).

(b) The annual renewal fee for a clinical laboratory bioanalyst's license shall be fixed by the board at not more than fifteen dollars ($15) nor less than five dollars ($5).

(c) The application fee for a clinical laboratory technologist's license is five dollars ($5).

(d) The annual renewal fee for a clinical laboratory technologist's license shall be fixed by the board at not more than three dollars ($3) nor less than one dollar ($1).

(e) The application fee for a clinical laboratory permit is fifteen dollars ($15); provided, however, that when the applicant is a district, city, county, or city and county, or an official thereof, no fee shall be required.

(f) The annual renewal fee for a clinical laboratory permit shall be fixed by the board at not more than fifteen dollars ($15) nor less than five dollars ($5); provided, however, that when the applicant is a district, city, county, or city and county, or official thereof, no fee shall be required.

(g) The application fee for a clinical laboratory technologist trainee's registration certificate is one dollar ($1).

(h) The annual renewal fee for a clinical laboratory technologist trainee's registration certificate is one dollar ($1).

(i) The application fee for a duplicate certificate is one dollar ($1).

SEC. 4. Section 1302 of the Business and Professions Code is repealed.

SEC. 5. This act shall become operative on January 1, 1968.

CHAPTER 1036

An act to amend Section 12404 of, and to add Section 12404.1 to, the Insurance Code, relating to title insurance.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 12404 of the Insurance Code is amended to read:

12404. No title insurer, no controlled escrow company, and no underwritten title company shall pay, either directly or indirectly, any commission, or any part of its fees or charges or any other consideration as an inducement for or as compensation on any title insurance business or any escrow or other title business in connection with which a title policy is issued, to any of the following:

(a) Any owner or prospective owner, lessee or prospective lessee of real property or any interest therein.

(b) Any obligee or prospective obligee of an obligation secured or to be secured either in whole or part by real property or any interest therein.

(c) Any person who is acting as or who is in the business of acting as agent, representative, attorney or employee of any of the persons described in subdivision (a) or (b).

An advance or payment of money by a title insurer, a controlled escrow company or an underwritten title company into an escrow to facilitate the closing thereof, other than (1) any sum that represents the proceeds of a loan made in the ordinary course of business and in compliance with the provisions of Section 1176 of the Insurance Code, or (2) an advance of not to exceed 2 percent of the sales price of the real property being sold or exchanged through the escrow or the amount of any loan secured by real property involved in the escrow, whichever is greater, or (3) the extension of credit for the costs, fees and expenses of the escrow or of the title insurance issued or to be issued in connection therewith or an advance therefor, shall be deemed a consideration offered as an inducement for title insurance business and therefore an unlawful rebate.

Any disbursement of escrow funds by a title insurer, a controlled escrow company or an underwritten title company before the conditions of the escrow applicable to such a disbursement have been met shall be deemed a consideration offered as an inducement for title insurance and therefore an unlawful rebate.

SEC. 2. Section 12404.1 is added to the Insurance Code, to read:

12404.1. The furnishing of a title report by any title insurer, controlled escrow company or underwritten title com-

pany, without charge to any person shall constitute a violation of Section 12404. The charge for a title report must have a reasonable relation to the cost of production of the report but in no event shall it be less than the rate for a standard owners policy, minimum liability, as set forth in the company's rate schedule. After billing any person for a title report the title insurer, controlled escrow company or underwritten title company shall promptly make a good faith attempt to collect; provided, however, that notwithstanding the provisions of Section 12404, but without limiting the applicability of such section to other transactions, this charge may be waived or canceled, if the company follows uniform practices as to all customers under like circumstances,

(a) After the issuance of the title report, but before the charge is waived or canceled, the files of the issuing company contain a copy of a bona fide sales or exchange agreement, or loan commitment executed by the party or parties in interest relating to the property described in said report, and the sale, exchange, or loan is not consummated.

(b) When the title report so furnished contains a lien or encumbrance or other title defect which the issuing company has refused to eliminate from its policy of title insurance or to provide insurance against loss by reason thereof, and another title insurance company has eliminated such lien or encumbrance or other title defect from its policy of title insurance or provided insurance against loss resulting therefrom within a reasonable period of time from the date of the issuance of said title report.

The furnishing of the name of the owner of record and the record description of any parcel of real property shall not be deemed to be a violation of Section 12404.

CHAPTER 1037

An act to amend Section 25258 of the Vehicle Code, and to add Section 830.9 to the Government Code, relating to emergency motor vehicles.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 25258 of the Vehicle Code is amended to read:

25258. (a) An authorized emergency vehicle operating under the conditions specified in Section 21055 may display a flashing white light from a gaseous discharge lamp designed and used for the purpose of controlling official traffic control signals.

(b) An authorized emergency vehicle used by members of the California Highway Patrol in the performance of their

duties may in addition display a blue light, as prescribed by the commissioner, visible from in front thereof.

SEC. 2. Section 830.9 is added to the Government Code, to read:

830.9. Neither a public entity nor a public employee is liable for an injury caused by the operation or nonoperation of official traffic control signals when controlled by an emergency vehicle in accordance with the provisions of subdivision (a) of Section 25258 of the Vehicle Code.

CHAPTER 1038

An act to amend Sections 675, 11802, 11804, and 11806 of, and to repeal Section 11801.5 of, the Vehicle Code, relating to vehicle salesmen.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 675 of the Vehicle Code is amended to read:

675. (a) "Vehicle salesman" is a person not otherwise expressly excluded by this section, who:

(1) Is employed as a salesman by a dealer as defined in Section 285, or who, under any form of contract, agreement, or arrangement with a dealer, for commission, money, profit, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates, or attempts to negotiate, a sale, or exchange of an interest in a vehicle required to be registered under this code; or

(2) Induces or attempts to induce any person to buy or exchange an interest in a vehicle required to be registered, and who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of said vehicle; or

(3) Exercises managerial control over the business of a licensed vehicle dealer or who supervises vehicle salesmen employed by a licensed dealer, whether compensated by salary or commission, including but not limited to any person who is employed by said dealer as a general manager, assistant general manager or sales manager, or any employee of a licensed vehicle dealer who negotiates with or induces a customer to enter into a security agreement or purchase agreement or purchase order for the sale of a vehicle on behalf of said licensed vehicle dealer.

(b) The term "vehicle salesman" does not include:

(1) Representatives of insurance companies, finance companies, or public officials who in the regular course of business, are required to dispose of, or sell vehicles under a contractual

right or obligation of the employer, or in the performance of an official duty, or in authority of any court of law; provided, such sale is for the purpose of saving the seller from any loss or pursuant to the authority of a court of competent jurisdiction.

(2) Persons who sell or distribute vehicles to dealers holding a license under the provisions hereof, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles to retail purchasers, they shall be deemed to be vehicle salesmen and are subject to the provisions of Article 1 (commencing with Section 11700), of Chapter 1, of Division 5.

(3) Persons exclusively employed in a bona fide business of exporting vehicles, or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States.

(4) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

(5) Persons regularly employed as salesmen by persons who are engaged in a business involving the purchase, sale or exchange of boat trailers.

(6) Persons regularly employed as salesmen by persons who are engaged in a business activity which does not involve the purchase, sale or exchange of vehicles except incidentally in connection with the purchase, sale or exchange of vehicles of a type not subject to registration under this code, boat trailers or midget autos or racers advertised as being built exclusively for use by children.

(7) Persons licensed as a vehicle dealer under this code doing business as a sole ownership or member of a partnership provided, however, that such persons shall engage in the activities of a salesman as defined herein exclusively on behalf of said sole ownership or partnership; otherwise, they shall be deemed to be vehicle salesmen and subject to the provisions of Article 2 (commencing with Section 11800) of Chapter 4, Division 5.

SEC. 2. Section 11801.5 of the Vehicle Code is repealed.

SEC. 3. Section 11802 of the Vehicle Code is amended to read:

11802. (a) The department shall issue a vehicle salesman's license when satisfied that the applicant has furnished the required information, and that he intends in good faith to act as a vehicle salesman, and has paid the fees as required in Section 11809.

(b) The department may refuse to issue or to renew, or may suspend or revoke a license, when satisfied that:

1. The information contained in the application is incorrect.

2. The applicant or licensee, based on the information contained in the application or by subsequent investigation, is not of good moral character.

(a) The conviction of a crime involving moral turpitude shall be prima facie evidence that the applicant or licensee is not of good moral character.

3. The applicant or licensee has outstanding an unpaid final court judgment rendered in connection with an activity licensed under the authority of this chapter.

4. The applicant or licensee does not hold a valid California driver's license.

5. The applicant or licensee was previously the holder of or was a partner in a partnership or was an officer, director, or stockholder involved in management of a corporation which was the holder of a license and certificate issued under this chapter, which license and certificate were revoked for cause and never reissued by the department or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

6. The applicant or licensee has violated any of the terms and provisions of Sections 2981 or 2982 of the Civil Code.

7. The applicant or licensee has committed any of those acts prohibited by Section 11806 of this article.

8. The applicant or licensee has failed to surrender possession of, or failed to return any vehicle to a dealer lawfully entitled thereto upon termination of employment.

9. The applicant or licensee has failed to pay over funds or property received in the course of employment to the dealer entitled thereto.

(c) Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue a temporary permit to any person applying for a vehicle salesman's license. The temporary permit shall permit the operation by the salesman for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such a license. Such temporary permit shall be invalid when the applicant's license has been issued or refused.

(d) The department may issue a probationary vehicle salesman's license upon any ground or grounds contained in subdivision (b) of this section subject to conditions to be observed in the exercise of the privilege granted either upon application for issuance of a license or upon application for renewal of a license. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

SEC. 4. Section 11804 of the Vehicle Code is amended to read:

11804 The license provided for herein, upon issuance thereof by the department to the licensee, shall forthwith be

delivered to and posted in a conspicuous place on the premises of the dealer employing said licensee, and shall be thereafter continuously exhibited in such a public place while said salesman is employed by such employer. In the event a vehicle salesman's employment is terminated, the license shall be forwarded to the department by the dealer not later than the end of the third business day of the dealer thereafter.

SEC. 5. Section 11806 of the Vehicle Code is amended to read:

11806. It shall be unlawful and cause for disciplinary action for the holder of any license issued under this article:

(a) To intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular or which misrepresents any of the products sold or furnished by a licensed dealer.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if said vehicle falls within the purview of Section 665.

(e) To knowingly purchase, sell or otherwise acquire or dispose of a stolen motor vehicle.

(f) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(g) To enter into an agreement to pay a commission or fee to any person not licensed as a salesman pursuant to Article 2 (commencing with Section 11800) of this chapter.

(h) To knowingly use or permit the use of special plates assigned to the employing dealer for any purpose other than permitted by Section 11715.

(i) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or on behalf of the employing dealer, that no downpayment is required in connection with the sale of a vehicle when a downpayment is in fact required and the buyer is advised or induced to finance such downpayment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

(j) To act as a dealer by purchasing and selling vehicles while employed or licensed to a licensed dealer without reporting the same to the dealer or utilizing the report of sale documents issued to the dealer.

(k) To act as a vehicle salesman or to engage in such activity for or on behalf of more than a single employer who shall be a licensed dealer.

CHAPTER 1039

An act to add Article 18 (commencing with Section 74040) to Chapter 10 of Title 8 of the Government Code, relating to municipal courts.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Article 18 (commencing with Section 74040) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 18. Redlands

74040. This article applies to the municipal court established in a district embracing the City of Redlands in the County of San Bernardino.

74041. There shall be one judge.

74042. There shall be one clerk of the municipal court, who shall be the administrative officer of the court, who may appoint one assistant clerk of the municipal court, one municipal court clerk, one senior clerk, one intermediate clerk, and two clerks.

74043. There shall be one marshal, who shall receive a salary of seven hundred eighty-six dollars ($786) per month, and who may appoint one deputy marshal, and one intermediate clerk.

74044. Whenever reference to a salary range is made in this article, the following schedule of monthly salary shall apply:

Range	Salary Steps								
No.	A	1	B	2	C	3	D	4	E
22	351	360	369	378	387	397	407	417	427
23	360	369	378	387	397	407	417	427	438
24	369	378	387	397	407	417	427	438	449
25	378	387	397	407	417	427	438	449	460
26	387	397	407	417	427	438	449	460	471
27	397	407	417	427	438	449	460	471	483
28	407	417	427	438	449	460	471	483	495
29	417	427	438	449	460	471	483	495	507
30	427	438	449	460	471	483	495	507	519
31	438	449	460	471	483	495	507	519	532
32	449	460	471	483	495	507	519	532	545
33	460	471	483	495	507	519	532	545	559
34	471	483	495	507	519	532	545	559	573
35	483	495	507	519	532	545	559	573	587
36	495	507	519	532	545	559	573	587	601
37	507	519	532	545	559	573	587	601	616
38	519	532	545	559	573	587	601	616	631
39	532	545	559	573	587	601	616	631	647
40	545	559	573	587	601	616	631	647	663

Range No.	Salary Steps A	1	B	2	C	3	D	4	E
41	559	573	587	601	616	631	647	663	679
42	573	587	601	616	631	647	663	679	696
43	587	601	616	631	647	663	679	696	713
44	601	616	631	647	663	679	696	713	731
45	616	631	647	663	679	696	713	731	749
46	631	647	663	679	696	713	731	749	767
47	647	663	679	696	713	731	749	767	786
48	663	679	696	713	731	749	767	786	805
49	679	696	713	731	749	767	786	805	825
50	696	713	731	749	767	786	805	825	845
51	713	731	749	767	786	805	825	845	866
52	731	749	767	786	805	825	845	866	887
53	749	767	786	805	825	845	866	887	909
54	767	786	805	825	845	866	887	909	931
55	786	805	825	845	866	887	909	931	954
56	805	825	845	866	887	909	931	954	978
57	825	845	866	887	909	931	954	978	1,002
58	845	866	887	909	931	954	978	1,002	1,027
59	866	887	909	931	954	978	1,002	1,027	1,052
60	887	909	931	954	978	1,002	1,027	1,052	1,078

The administration of the salary plan provided by this article including the hiring rate; increases within range, salary on promotion. transfer or demotion, salary on position reclassification and all other relevant matters shall be in accordance with the personnel rules and ordinances of the County of San Bernardino.

The job classification and the number of the salary range which constitutes the compensation for each job classification is shown below.

Job classification	Range
Clerk of the municipal court I	55
Assistant clerk of the municipal court I	43
Municipal court clerk	40
Municipal court clerk assistant	36
Principal clerk	35
Senior stenographer clerk	34
Fiscal assistant	33
Senior clerk	32
Stenographer clerk	28
Intermediate clerk	26
Clerk	22
Deputy marshal	43
Bailiff	37

Notwithstanding any other provisions of law, the salary and classifications of municipal court employees may be increased or decreased within the range limits set forth in this section

in order to provide classification and compensation that is comparable to county employees of similar qualifications and experience in the classified service of San Bernardino County as such comparability is determined by the civil service commission and the board of supervisors.

The officers and attachés of the municipal court shall be subject to the same or similar obligations and be granted the same or similar employee benefits as are required of or granted to employees of the County of San Bernardino.

74045. Official reporters in the Municipal Court of the Redlands Judicial District appointed pursuant to Section 72194 shall be attachés of such court and in lieu of any other compensation provided by law for services in reporting testimony and proceedings in such court shall receive a salary in the same sum monthly or per diem as is paid the official reporters of the Superior Court of the County of San Bernardino, which shall be charged against the general fund of the county.

74046. In any civil action or proceedings, in addition to the fees required by Article 2 of Chapter 8 of this title, a fee of five dollars ($5) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceedings, in the following instances:

(a) Upon the filing of a complaint or other first paper;

(b) Upon the filing of an answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff;

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or a special proceeding. The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court. All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 of Chapter 8 of this title.

74047. Fees for transcription of testimony and proceedings in the court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

74048. Official reporters of the court shall be members of any retirement system maintained by the county in which they are employed. For the purposes of such retirement system, the salary provided for such reporters in this article shall be deemed their entire compensation.

74049. Notwithstanding the provisions of Article 4 (commencing at Section 72150) of Chapter 8 of this title and the provisions of this article, and in order to equalize the compen-

sation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court with the approval of the judges of the court and the Board of Supervisors of the County of San Bernardino, an officer or an attaché of the court, whether appointed under the provisions of this article or under Article 4 of Chapter 8 of this title, may be paid any compensation, which is within the ranges and increments set forth in this article, in excess of or less than the maximum to which such employee would otherwise be entitled; provided, that any such salary adjustment shall not extend longer than 60 days after the adjournment of the next regular session of the Legislature.

CHAPTER 1040

An act to amend Section 13447 of the Education Code, relating to probationary certificated employees.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 13447 of the Education Code is amended to read:

13447. No permanent employee shall be deprived of his position for causes other than those specified in Sections 13313, 13327 and 13338, and Sections 13403 to 13441, inclusive, and no probationary employee shall be deprived of his position for cause other than as specified in Sections 13442 and 13443, except in accordance with the provisions of Section 13319 and Sections 13447 to 13452, inclusive.

Whenever in any school year the average daily attendance in all of the schools of a district for the first six months in which school is in session shall have declined below the corresponding period of either of the previous two school years, or whenever a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year, and when in the opinion of the governing board of said district it shall have become necessary by reason of either of such conditions to decrease the number of permanent employees in said district, the said governing board may terminate the services of not more than a corresponding percentage of the certificated employees of said district, permanent as well as probationary, at the close of the school year; provided, that the services of no permanent employee may be terminated under the provisions of this section while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.

Notice of such termination of services for reduction in attendance shall be given before the 15th of May in the manner prescribed in Section 13443 of this code, and services of said employees shall be terminated in the inverse of the order in which they were employed, as determined by the board in accordance with the provisions of Sections 13262 and 13263 of this code.

The board shall make assignments and reassignments in such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render.

CHAPTER 1041

An act to add Section 11902.1 to the Education Code, relating to school children.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 11902.1 is added to the Education Code, to read:

11902.1. Notwithstanding any provision of any law, no school district, officer of any school district, school principal, physician, or hospital treating any child enrolled in any school in any district shall be held liable for the reasonable treatment of a child without the consent of a parent or guardian of the child when the child is ill or injured during regular school hours, requires reasonable medical treatment, and the parent or guardian cannot be reached, unless the parent or guardian has previously filed with the school district a written objection to any medical treatment other than first aid.

CHAPTER 1042

An act to amend Sections 35712 and 35714 of the Vehicle Code, relating to use of public roads by commercial vehicles.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 35712 of the Vehicle Code is amended to read:

35712. (a) Any county may by ordinance prohibit the use of any highway located in an unincorporated residential or subdivision area by any commercial vehicle exceeding a gross weight of 14,000 pounds.

(b) Any county of the third class as defined by Section 28024 of the Government Code may, by ordinance, prohibit the use of any highway located in an unincorporated residential or subdivision area by any commercial vehicle exceeding a gross weight of 5,000 pounds.

SEC. 2. Section 35714 of the Vehicle Code is amended to read:

35714. No ordinance adopted pursuant to Section 35712 shall be effective with respect to:

(a) Any vehicle which is subject to the provisions of Article 2 (commencing at Section 1031) of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code.

(b) Any highway, any portion of which is also under the jurisdiction of a city, unless the consent of the governing body of the city is first obtained.

(c) Any commercial vehicle coming from an unrestricted highway having ingress and egress by direct route to and from the restricted highway when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted highway or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted highway for which a building permit has previously been obtained.

(d) The operation of ambulances or hearses.

(e) Any vehicle owned, operated, controlled, or used by a public utility in connection with the construction, installation, operation, maintenance, or repair of any public utility facilities.

(f) Any state highway, until the proposed ordinance has been submitted by the board of supervisors of the county to and approved in writing by the Department of Public Works. In submitting a proposed ordinance to the department for approval, the board of supervisors shall designate therein, an alternate route for the use of the vehicles which shall remain unrestricted by any local regulation as to commercial vehicles so long as the ordinance proposed shall remain in effect. The approval of the proposed ordinance by the Department of Public Works shall constitute an approval by the department of the alternate route so designated.

(g) Vehicles operated as an incident to any industrial, commercial or agricultural enterprise conducted within the boundaries of the unincorporated residential subdivision area.

CHAPTER 1043

An act to amend Section 73433.5 of the Government Code, relating to municipal courts.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 73433.5 of the Government Code is amended to read:

73433.5. The compensation of the clerk of the municipal court and his attachés shall be as follows:

(a) Title of position	No. of positions	Salary range A	B	C	D	E
Clerk of the municipal court	1	$823	$864	$907	$953	$1,000
Assistant clerk	1	645	677	711	747	784
Department court clerk	4	481	505	530	556	584
Clerk II	1	340	357	375	394	414
Municipal legal clerk II	3	505	530	556	584	614
Municipal legal clerk I	5	457	481	505	530	556
Typist-clerk II	7	340	357	375	394	414
Typist-clerk I	4	294	309	324	340	357

(b) Within the positions set out in subdivision (a), there shall be five step levels which shall be designated as "step A," "step B," "step C," "step D," and "step E," which are defined as follows:

"Step A" shall consist of the minimum rate of compensation for the position to which the salary range applies and shall be the hiring rate for such position;

"Step B" shall be the rate of compensation payable to any person who has occupied his position for one (1) year on the first day of the month following the anniversary of his appointment to the position;

"Step C" shall be the rate of compensation payable to any person who has occupied his position for two (2) years on the first day of the month following the anniversary of his appointment to the position;

"Step D" shall be the rate of compensation payable to any person who has occupied his position for three (3) years on the first day of the month following the anniversary of his appointment to the position; and

"Step E" shall be the rate of compensation payable to any person who has occupied his position for four (4) years on the first day of the month following the anniversary of his appointment to the position.

(c) Notwithstanding any other provision of this article:

(1) The minimum salary for each position shall normally be "step A" for the position. If it is difficult to secure qualified

personnel at that step or if a person of unusual qualifications is engaged, the court or the clerk, as the case may be, may hire at any step of the salary range applicable to the position.

(2) A majority of the judges of the court may place the clerk in the step of the salary range to which he would be entitled if he had been placed in "step C" of such salary range on the effective date of his appointment as clerk.

(3) If a deputy clerk changes his position to another position of higher salary range, he shall receive the lowest amount provided in the salary range for the new position which is at least equal to the amount he would have received if he had been advanced one step higher in the salary range applicable to his old position. If at the time such deputy clerk changes his position to another of higher salary range he is receiving the salary provided in "step E" of the salary range applicable to his old position, he shall receive the lowest amount provided in the salary range for the newer position which is at least equal to the salary provided in "step E" of such old position plus the difference between the salaries provided in "step D" and in "step E" of such old position.

CHAPTER 1044

An act to add Section 25304.5 to the Government Code, relating to elective county offices.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 25304.5 is added to the Government Code, to read:

25304.5. If on the first Monday after January 1 following a general election the person elected to an elective county office has resigned or died, the board of supervisors shall provide that the office which was made vacant shall be filled at the next regularly scheduled election. The board of supervisors may appoint a person to temporarily carry out the duties of any office to be filled by such an election and that person shall serve until the results of the election are declared.

The person elected shall serve for the remainder of the term which began on the first Monday after January 1 immediately preceding the election.

CHAPTER 1045

An act authorizing the Director of General Services to dispose of property belonging to the state.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. The Director of General Services is hereby authorized to sell, exchange, lease, or otherwise dispose of, for current market value and upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interest of the state, all or any part of the following real property:

Parcel 1. Approximately 10 acres in the County of San Bernardino, located 10 miles east of Twentynine Palms on the northerly side of Amboy Highway, being the Twentynine Palms Inspection Station.

Parcel 2. Approximately 0.934 acre in the City of Bakersfield, located on the north side of Golden State Avenue, being the operating headquarters for the Bakersfield Highway Patrol.

Parcel 3. Approximately 0.597 acre in the County of San Bernardino, located in the extreme northeast corner of Section 27, Township 2 South, Range 8 West, SBB & M, being a portion of the Los Serranos Game Farm.

Parcel 4. Approximately 80 acres in Kings County located 32 miles southwest of the City of Hanford and described as the South one half of the Northwest Quarter of Section 23, Township 23 South, Range 20 East, MDB & M, being a gift from the estate of Ebba Mueller to the California School for the Blind.

Parcel 5. The Visalia Ranger Unit Headquarters located in the City of Visalia, County of Tulare; more particularly described as Lot 5, the northeasterly half of Lot 6, and Lots 11, 12, 13, 14, and 15 of Block 105 of Aughinbaugh's Addition to the City of Visalia, as per map of said addition on file and of record in the office of the County Recorder of Tulare County.

Parcel 6. The Porterville Ranger Unit Headquarters located in the City of Porterville, County of Tulare; more particularly described as Lot 4, Block 14 of Pioneer Addition, excepting therefrom the west 8.25 feet of said Lot 4, Block 14 of Pioneer Addition to Porterville, as per map recorded in Book 4, Page 29 of maps in the office of the County Recorder of said County.

Parcel 7. A strip of land 60 to 90 feet in width and three miles in length, containing approximately 33 acres, located in the vicinity of Collinsville, Solano County, being a portion of the Grizzly Island Waterfowl Management Area.

SEC. 2. In order to effectuate a property line boundary adjustment at the Manhattan Beach Armory site, the Director of General Services may exchange approximately 3,686.60 square feet of real property, being a portion of said site, for approximately 3,833.40 square feet of real property adjacent to said site owned by the City of Manhattan Beach. Said exchange shall be without monetary consideration to either the state or the City of Manhattan Beach and upon such other terms and conditions and with such reservations and exceptions as in the opinion of the Director of General Services may be for the best interest of the state.

SEC. 3. Notice of every public auction or bid opening shall be posted on the property to be sold and shall be published in a newspaper published in the county in which the real property to be sold is situated.

SEC. 4. Any cost or expenses incurred in the disposition of any parcel shall be reimbursed from the proceeds of such disposition.

SEC. 5. Subject to Section 4 hereof any moneys received from the disposition of any parcel shall be paid into the General Fund, except that any moneys received from the disposition of Parcel 2 shall be paid into the Motor Vehicle Fund, any moneys received from the disposition of Parcel 3 shall be paid into the Fish and Game Preservation Fund, any moneys received from the disposition of Parcel 4 shall be paid into the Special Deposit Fund, and any moneys received from the disposition of Parcel 7 shall be paid into the Wildlife Restoration Fund.

SEC. 6. The authorization granted to the Director of Finance by Chapter 1546 of the Statutes of 1963 to dispose of Parcel 4 of said chapter is hereby repealed.

CHAPTER 1046

An act to amend Section 54153 of the Government Code, relating to emergency flood relief.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 54153 of the Government Code is amended to read:

54153. The Department of Finance, Department of Water Resources, Department of Public Works, and the Department of General Services shall administer this article as provided herein. The Department of Water Resources shall have jurisdiction over levees, flood control works, channels, irrigation works, and other similar projects, the Department of General Services shall have jurisdiction over building construction,

alteration, repair, and improvement, and the Department of Public Works shall have jurisdiction over all other projects. In the event of dual jurisdiction over any particular project, the two departments shall agree as to which shall assume jurisdiction and responsibility therefor.

CHAPTER 1047

An act to amend Section 28131 of the Government Code, relating to juries.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 28131 of the Government Code is amended to read:

28131. In any county of the 31st class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, twelve thousand dollars ($12,000) a year, which shall include compensation for the compilation of the annual financial report and classified annual payroll of the county.

(b) The district attorney, eighteen thousand dollars ($18,000) a year. He shall devote full time to the duties of district attorney and shall not engage in private practice of law during his term of office.

(c) Each supervisor, for Districts 1 and 5, seven thousand two hundred dollars ($7,200) a year, effective January 1, 1963, and each supervisor, for Districts 2, 3, and 4, seven thousand two hundred dollars ($7,200) a year, effective January 1, 1965, and ten cents ($0.10) for each mile necessarily traveled in the performance of his official duties. The chairman of the board of supervisors may receive twenty-five cents ($0.25) a mile, one way, between his residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law.

In the event the constitutional restriction on increases in salaries to incumbent county officers is removed, or if, in any other manner, it become legally permissible to pay increased salaries to incumbent officers, the effective dates herein provided shall be disregarded and the salaries provided in this subdivision shall become effective immediately on the removal of the prohibition.

The incumbent supervisors shall receive four thousand eight hundred dollars ($4,800) per year until such time as the increased salaries of this section become effective.

(d) Trial jurors in the superior court and the justice courts shall receive five dollars ($5) for each day's attendance and

ten cents ($0.10) per mile for each mile necessarily traveled in such attendance. Grand jurors shall receive six dollars ($6) for each day's attendance on regularly called grand jury meetings and ten cents ($0.10) per mile for each mile necessarily traveled in attendance on regularly called grand jury meetings and meetings of grand jury committees of which the juror is a member.

CHAPTER 1048

An act to add Section 21207 to the Vehicle Code, relating to bicycle paths upon highways.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 21207 is added to the Vehicle Code, to read:

21207. This chapter does not prevent any city from establishing, by ordinance, bicycle lanes separated from any vehicular lanes upon highways, other than state highways as defined in Section 24 of the Streets and Highways Code and county highways established pursuant to Article 5 (commencing with Section 1720) of Chapter 9 of Division 2 of the Streets and Highways Code, and from regulating the operation, and use of bicycles and vehicles with respect to such bicycle lanes.

CHAPTER 1049

An act to amend Section 75060 of the Government Code, relating to judicial retirement.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 75060 of the Government Code is amended to read:

75060. (a) Any judge who is unable to discharge efficiently the duties of his office by reason of mental or physical disability that is or is likely to become permanent may, with his consent and with the approval of the Chief Justice or Acting Chief Justice and the Commission on Judicial Qualifications, be retired from office. The retirement shall be effective upon approval by the designated officers, except as provided in subdivision (b) of this section. A certificate evidencing such approval

shall be filed with the Secretary of State. Upon the filing of the certificate, a successor shall be appointed to fill the vacancy.

(b) Any judge who dies after executing an application evidencing his consent and before the approval of both of the designated officers has been obtained shall be deemed to have retired on the date of his death if the designated officers, prior to the filling of the vacancy created by such judge's death, file with the Secretary of State their certificate of approval.

(c) No retirement under this section may be approved unless a written statement by a physician or psychiatrist that he has personally examined the judge applying for retirement under this section and that he is of the opinion that the judge is unable to discharge efficiently the duties of his office by reason of a mental or physical disability that is or is likely to become permanent is presented to the persons having the responsibility to approve or disapprove the retirement.

CHAPTER 1050

An act to amend Section 14311.5 of the Government Code, relating to public works.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 14311.5 of the Government Code is amended to read:

14311.5. In all state projects where federal funds are involved and where a bidder is required to be and has been prequalified pursuant to Sections 14310 and 14311, no bid submitted or contract thereafter awarded shall be invalidated by the failure of the bidder or contractor to be properly licensed in accordance with the laws of this state, nor shall any such contractor be denied payment under any such contract because of such failure; provided, however, that the first payment for work or material under such contract shall not be made by the State Controller unless and until the Registrar of Contractors certifies to him that the records of the Contractors State License Board indicate that such contractor was or became properly licensed between the time of bid opening and the making of the certification. Any bidder or contractor not so licensed shall be subject to all legal penalties imposed by such laws, including but not limited to any appropriate disciplinary action by the Contractors State License Board, and the department shall include a statement to that effect in the standard form of prequalification questionnaire and financial statement.

CHAPTER 1051

An act to amend Section 8276 and to repeal Section 8277 of the Fish and Game Code, relating to crabs.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 8276 of the Fish and Game Code is amended to read:

8276. Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 1st and July 15th.

(b) Crabs may be taken in all other districts only between the second Tuesday in November and June 30th.

(c) Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

SEC. 2. Section 8277 of the Fish and Game Code is repealed.

CHAPTER 1052

An act to amend Section 232 of the Civil Code, relating to child custody.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 232 of the Civil Code is amended to read:

232. An action may be brought for the purpose of having any person under the age of 21 years declared free from the custody and control of either or both of his parents when such person comes within any of the following descriptions:

(a) Who has been left by both of his parents or his sole parent in the care and custody of another without any provision for his support, or without communciation from such parent or parents, for the period of six months with the intent on the part of such parent or parents to abandon such person. Such failure to provide, or such failure to communicate for the period of six months, shall be presumptive evidence of the intent to abandon. Such person shall be deemed and called a person abandoned by the parent or parents abandoning him. If in the opinion of the court the evidence indicates that such parent or parents have made only token efforts to support or communicate with the child, the court may declare the child abandoned by such parent or parents.

The fact that a child is in a foster care home, licensed under subdivision (a) of Section 16000 of the Welfare and Institutions Code, shall not prevent a licensed adoption agency which is planning adoption placement for the child, from instituting, under this subdivision, an action to declare such child free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel and if there is no county counsel, the district attorney shall institute such action.

(b) Who has been cruelly treated or neglected by either or both of his parents, if such person has been a dependent child of the juvenile court, and such parent or parents deprived of his custody for the period of one year prior to the filing of a petition praying that he be declared free from the custody and control of such cruel or neglectful parent or parents.

(c) Whose parent or parents are habitually intemperate, or morally depraved, if such person has been a dependent child of the juvenile court, and the parent or parents deprived of his custody because of such intemperance, or moral depravity, for the period of one year continuously immediately prior to the filing of the petition praying that he be declared free from the custody and control of such habitually intemperate or morally depraved parent or parents.

(d) Whose parent or parents are deprived of their civil rights due to the conviction of a felony, if the felony of which such parent or parents were convicted is of such nature as to prove the unfitness of such parent or parents to have the future custody and control of the child, or if any term of sentence of such parent or parents is of such length that the child will be deprived of a normal home for a period of years.

(e) Whose parent or parents have, in a divorce action, been found to have committed adultery and been divorced on that ground, if the court finds that the future welfare of the child will be promoted by an order depriving such parent or parents of the control and custody of the child.

(f) Whose parent or parents have been declared by a court of competent jurisdiction to be mentally deficient or mentally ill, if the State Director of Mental Hygiene and the superintendent of the state hospital of which, if any, such parent or parents are inmates or patients certify that such parent or parents so declared to be mentally deficient or mentally ill will not be capable of supporting or controlling the child in a proper manner.

(g) Whose parent or parents are, and will remain incapable of supporting or controlling the child in a proper manner because of mental deficiency or mental illness, if there is testimony to this effect from two medical examiners certified under Section 5000 of the Welfare and Institutions Code. The parent or parents shall be cited to be present at the hearing, and if he or they have no attorney, the judge shall appoint an attorney or attorneys to represent the parent or parents and fix the

compensation to be paid by the county for such services, if he determines the parent or parents are not financially able to employ counsel.

A licensed adoption agency may institute under this section, an action to declare a child, as described in this section, free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel, or if there is no county counsel, the district attorney shall in a proper case institute such action.

CHAPTER 1053

An act to add Section 5007.1 to the Public Resources Code, relating to the disposition by the Department of Parks and Recreation of floating logs, timber, lumber or other debris deposited on public beaches, waterways or lands under the jurisdiction of the department.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 5007.1 is added to the Public Resources Code, to read:

5007.1. Notwithstanding any other provision of law, the department shall have the right to remove and dispose of all floating logs, timber, lumber, and other debris deposited on public beaches, waterways or lands within the state park system, when such deposits create a hazard or impediment to the public safety, enjoyment, and use of the public beach, waterway or land.

Logs, timber or lumber which are capable of being identified as the property of another shall be held by the department for a period of three months from the time of their removal from any public beach, waterway or land.

The owner of such property may remove it on payment or tendering to the department the amount of the damages which the department has sustained by reason of the drifting of the property upon the public beaches, waterways or lands within the state park system and which may accrue in removal of the property.

If the property remains unclaimed after the three months period the department may dispose of such logs, timber or lumber by destruction, sale or use.

CHAPTER 1054

An act to amend Section 5063 of the Public Resources Code, relating to leases with an option to buy by the Department of Parks and Recreation.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 5063 of the Public Resources Code is amended to read as follows:

5063. Before entering into any such lease contract, the lands proposed to be leased shall be appraised by the Department of General Services to determine the fair market value of the lands. The total amount of rental to be paid for the entire term under any lease contract shall not be in excess of the fair market value of the lands, as determined by the Department of General Services. The Director of General Services shall deliver one copy of the appraisal to the Department of Parks and Recreation.

CHAPTER 1055

An act to amend Sections 22702, 22705, 22707, and 22855 of, and to add Sections 22660 and 22706 to, the Vehicle Code, relating to abandoned or stored motor vehicles.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 22660 is added to the Vehicle Code, to read:

22660. Notwithstanding any other provision of law, a city, county, or city and county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private property or public property not including highways and recovery, pursuant to Sections 25845 or 38773.5 of the Government Code, or assumption by the local agency, of costs of administration and removal thereof; provided, however, that any such ordinance shall contain:

(a) A provision requiring notice to be given to the Department of Motor Vehicles within five days after the date of removal identifying the vehicle or part thereof.

(b) A provision requiring notice to be given to the California Highway Patrol identifying the vehicle or part thereof proposed for removal, such notice to be mailed at least 10 days prior to the public hearing required under subdivision (c).

(c) A provision requiring a public hearing prior to the removal of the vehicle or part thereof as a public nuisance to be held before the governing body of the city, county, or city and county, or any other board, commission, or official of the city, county, or city and county, as designated by the governing body. Any resolution or order requiring the removal of a vehicle or part thereof shall include a description of the vehicle, and the correct identification number and license number of the vehicle, if available at the site.

(d) A provision requiring not less than a 10-day notice giving the time, location, and date of a public hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance, such notice to be mailed, by certified or registered mail, with a five-day return requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership. If the notice is returned undelivered by the United States Post Office the hearing shall be continued to a date not less than 10 days from the date of such return.

(e) A provision that after a vehicle has been removed it shall not be reconstructed or made operable.

(f) A provision that the ordinance shall not apply to (1) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (2) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard; provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than this chapter.

(g) A provision for administration of the ordinance by regularly salaried, full-time employees of the city, county, or city and county, except that the removal of vehicles or parts thereof from property may be by any other duly authorized person.

(h) A provision that the local authority shall cause to be forwarded to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title, and license plates.

(i) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the

vehicle against the property upon which the vehicle is located or otherwise attempt to collect such cost from such owner.

Vehicles or parts thereof may be disposed of by removal to a scrapyard, automobile dismantler's yard, or any suitable site operated by a local agency for processing as scrap, or other final disposition consistent with subdivision (e). A local agency may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or the local agency may transfer such vehicle or parts to another provided such disposal shall be only as scrap.

Any person authorized by the city, county, or city and county, to administer the provisions of an ordinance of the type authorized by this section may enter upon private property for the purposes specified in the ordinance to examine vehicle or parts thereof, obtain information as to the identity of vehicle and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to ordinances.

Licensed dismantlers or commercial enterprises acquiring vehicles removed pursuant to said ordinance shall be excused from the reporting requirements of Section 11520 of the Vehicle Code and any fees and penalties which would otherwise be due the Department of Motor Vehicles are hereby waived, provided that a copy of the resolution or order authorizing disposition of the vehicle is retained in the dismantlers' or commercial enterprises' business records.

SEC. 2. Section 22702 of the Vehicle Code is amended to read:

22702. (a) Any member of the California Highway Patrol or any regularly employed and salaried deputy or other employee of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer or other employee of a police department in a city in which a vehicle is located who has reasonable grounds to believe that the vehicle has been abandoned, may remove the vehicle from a highway or from public or private property.

(b) Any member of the California State Police who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the state, or rented or leased from others by the state, or property of a district agricultural association as to which the California State Police is providing policing services, may remove the vehicle from such property.

(c) The public agency employing the officer shall make an appraisal of any such vehicle either prior to or within five days after removal.

SEC. 3. Section 22705 of the Vehicle Code is amended to read:

22705. If the vehicle is appraised at a value not exceeding one hundred dollars ($100), the public agency which removed the vehicle shall:

(a) Within 48 hours after appraisal notify the Department of California Highway Patrol in Sacramento of the removal of such vehicle.

(b) Prepare a certificate which shall describe the vehicle including the location of any license plates thereon, state the appraised value and that the vehicle will be junked or dismantled, and indicate that;

(1) Notice of intent to junk or dismantle the vehicle has been mailed to the registered and legal owners at the address of record with the department, or

(2) The owner has signed a release under penalty of perjury disclaiming any future interest, which release shall be included with the certificate.

In the event the owner has not signed a release and has not, within 15 days after official notification, reclaimed the vehicle such action shall constitute a waiver of interest and the vehicle may be disposed of.

(3) The vehicle is in such condition that vehicle identification numbers are not available to determine owners of record with the department, in which event the vehicle may be disposed of.

(c) Upon completion of the certificate, execute and deliver a bill of sale free of any lien for fees and penalties due and payable to the department together with a copy of the certificate to either the lienholder who shall endorse the bill of sale to a licensed automobile dismantler, or to the licensed automobile dismantler, or to the public agency for disposal, whichever has the vehicle in possession.

(d) Forward the completed certificate to the Department of Motor Vehicles in Sacramento.

SEC. 4. Section 22706 is added to the Vehicle Code, to read:

22706. A local authority may either issue a franchise or execute a contract for the removal of abandoned vehicles in accordance with the provisions of this chapter.

SEC. 5. Section 22707 of the Vehicle Code is amended to read:

22707. When a bill of sale is issued by a public agency, the proceeds of the sale shall be disposed of in the following manner:

(a) First, to pay any cost of towing and storage involved in removal of the vehicle.

(b) The balance shall be forwarded to the Department of Motor Vehicles. Such department may recover therefrom any fees and penalties due and payable to it in respect to the vehicle.

(c) Any balance then remaining shall be paid by such department first to any legal owner, and second to any registered owner, as their interests may appear upon the records of such department. If the payments cannot be made, the balance shall be deposited in the Motor Vehicle Fund.

SEC. 6. Section 22855 of the Vehicle Code is amended to read:

22855. The following persons shall have the authority to make appraisals of the value of vehicles for purposes of this chapter, subject to the conditions stated in this chapter:

(a) Any member of the California Highway Patrol designated by the commissioner.

(b) Any regularly employed and salaried deputy sheriff or other employee designated by the sheriff of any county.

(c) Any regularly employed and salaried police officer or other employee designated by the chief of police of any city.

(d) Any officer or employee of the Department of Motor Vehicles designated by the director of said department.

(e) Any member of the California State Police designated by the chief thereof.

CHAPTER 1056

An act to add Part 2 (commencing with Section 18000) and Part 2.1 (commencing with Section 18200) to Division 13 of, and to repeal Part 2 (commencing with Section 18000) of Division 13 of, the Health and Safety Code, relating to mobilehomes and mobilehome parks.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code is repealed.

SEC. 2. Part 2 (commencing with Section 18000) is added to Division 13 of the Health and Safety Code, to read:

PART 2. MOBILEHOMES

CHAPTER 1. DEFINITIONS

18000. The provisions of this part insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.

18001. "Approved" when used in connection with any material, appliance or construction, means meeting the requirements and approval of the Department of Housing and Community Development of the State of California.

18002. "Building" is any permanent structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

18003. "Camp car" is a vehicle with or without motive power, which is designed or used for human habitation.

18004. "Commission" is the Commission of Housing and Community Development.

18005. "Department" is the Department of Housing and Community Development.

18006. "Lease" is an oral or written contract for the use, possession, and occupation of property. It includes rent.

18007. "Liquefied petroleum gas" is petroleum hydrocarbons or mixtures thereof, in liquid or gaseous state, having a vapor pressure in excess of 26 psi at a temperature of 100 degrees F. Whenever the symbol "LPG" is used it shall mean liquefied petroleum gas.

18008. "Mobilehome" is a vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

18009. (a) A dependent mobilehome is one not equipped with a toilet for sewage disposal.

(b) An independent mobilehome is one equipped with a toilet for sewage disposal.

(c) A self-contained mobilehome is one equipped with a toilet, water storage tank for potable water, and sewage holding tank.

18010. "Mobilehome accessory building or structure" is any awning, portable, demountable or permanent cabana, ramada, storage cabinet, carport, fence, windbreak or porch established for the use of the occupant of the mobilehome.

18011. "Rent" is money or other consideration given for the right of use, possession, and occupation of property.

18012. "Trailer coach" is a vehicle, other than a motor vehicle, designed or used for human habitation, or human occupancy for industrial, professional or commercial purposes, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

18013. "Travel trailer" is a vehicle, other than a motor vehicle, which is designed or used for human habitation, and for travel or recreational purposes, which does not at any time exceed 8 feet in width and 40 feet in length and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the Vehicle Code.

Chapter 2. Application and Scope

18020. The provisions of this part apply to all parts of the state and supersede any ordinance enacted by any city, county, or city and county applicable to the provisions of this part. The commission may promulgate rules and regulations to interpret and make specific the provisions of this part and when adopted such rules and regulations shall apply to all parts of the state.

18021. The provisions of this part applicable to mobilehomes shall apply equally to camp cars, travel trailers, and trailer coaches except where specifically exempted.

18022. (a) The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part and the rules and regulations promulgated pursuant thereto, provided any such alternate has been approved.

(b) The department may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part and the rules and regulations promulgated pursuant thereto in quality, strength, effectiveness, fire resistance, durability, safety, and for the protection of life and health.

(c) Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part and the rules and regulations promulgated pursuant thereto, or in order to substantiate claims for alternates, the division may require tests or proof of compliance to be made at the expense of the owner or his agent.

(d) The department shall notify the appropriate enforcement agency of its findings.

(e) This section is not applicable to local regulations authorized by this part.

CHAPTER 3. ENFORCEMENT

18040. The department shall enforce every provision of this part and the rules and regulations promulgated thereunder except as provided in Section 18051.

CHAPTER 4. REGULATIONS

18050. It shall be unlawful for any person in a mobilehome to use or cause, or permit to be used for occupancy:

(a) Any mobilehome from which any axle or wheel hub has been removed therefrom except for the purpose of making temporary repairs or placing it in dead storage.

(b) Any mobilehome supplied with fuel gas unless such service connections used and installations conform to rules and regulations of the commission.

(c) Any mobilehome which is permanently attached with underpinning or foundation to the ground.

(d) Any mobilehome which does not conform to the registration requirements of the Vehicle Code. A mobilehome which may be moved under permit as provided for in Sections 35780 and 35790 of the Vehicle Code shall be deemed to conform to the requirements of such code within the meaning of this section.

(e) Any mobilehome in an unsanitary condition.

(f) Any mobilehome which is structurally unsound and does not protect its habitants against the elements.

(g) Any mobilehome to which there is attached or established for use of the occupant of the mobilehome any mobilehome accessory building or structure unless constructed in conformity with the rules and regulations of the commission as set forth in rules and regulations of the commission for such use, and the commission may draft and the department may enforce such rules and regulations. Such rules and regulations shall provide for the construction, location and use of mobilehome accessory buildings or structures to protect the health and safety of the occupants and the public.

(h) Any mobilehome in which the occupants use any water heater, clothes washer, or clothes dryer, requiring plumbing, mechanical, gas or electrical connections unless such appliance is within the mobilehome or an approved building. No such appliance outside the mobilehome shall be interconnected with the plumbing, mechanical, gas or electrical system of the mobilehome.

(i) Any mobilehome which does not have a current annual vehicle license.

(j) Any mobilehome which does not have the space directly beneath it kept clean and free from refuse, rubbish or other impediments. Such space shall not be used for storage purposes. It may be enclosed. Such enclosures, however, shall not unreasonably impede the movement of the mobilehome, shall be openable for inspection, and cross ventilation on at least three sides shall be provided with no less than two square feet of opening for each 25 linear feet.

18051. Any city or county, or city and county which has assumed responsibility for the enforcement of Part 2.1 (commencing with Section 18200) of Division 13 pursuant to Section 18300, shall enforce the provisions of Section 18050, subdivisions (a), (b), (c), (d), (e), (f), (h), (i), and (j), and Section 18054, and the rules and regulations promulgated thereunder.

18052. (a) No mobilehome shall be rented or leased unless it meets the requirements for rental units, including occupancy requirements promulgated by the commission. The commission is authorized to promulgate such rules and regulations as it determines are reasonably necessary for the protection of life and property.

(b) No mobilehome shall be rented or leased which contains any plumbing, heat-producing or electrical equipment which does not meet the requirements that are prescribed by the commission pursuant to Section 18055 or which violates any of the provisions of Section 18050.

(c) The department as the enforcement agency shall have the right to enter and inspect any mobilehome which is rented or held out for rent in order to determine whether or not the rental, or holding out for rent, of such mobilehome is unlawful under this section.

(d) The department's authorized agents may enter any uninhabited mobilehome which is held out for rent but not actually rented at any time between 8 o'clock a.m. and 6 o'clock p.m. of any business day. No person authorized by this section to enter mobilehomes which are rented, or held out for rent, shall enter any inhabited mobilehome between the hours of 6 o'clock p.m. of any day and 8 o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the mobilehome, nor enter any mobilehome in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order.

18054. It is unlawful to permit any waste water or material from any plumbing fixtures in a mobilehome to be deposited upon the surface of the ground. All plumbing fixtures, when in use, shall be connected to a sewage disposal system meeting the requirements established by the commission. The commission is hereby empowered to promulgate such rules and regulations as it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this section.

18055. It is unlawful for any person to sell, or offer for sale within this state, any mobilehome manufactured after September 1, 1958, containing plumbing, heat-producing or electrical equipment unless such equipment meets the requirements of the commission for such equipment and installations. The commission is authorized to promulgate such rules and regulations which shall be reasonably consistent with recognized and accepted principles for plumbing, heat-producing, and electrical equipment and installations, respectively, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe plumbing, heat-producing and electrical equipment and installations.

If the commission determines that standards for the installation of plumbing, heat-producing, and electrical equipment in mobilehomes, which have been prescribed by the statutes or rules and regulations of other states are at least equal to the standards prescribed by the commission, the commission may so provide by regulation. Any mobilehome which a state has approved as meeting its standards for the installation of plumbing, heat-producing, and electrical equipment, shall be deemed to meet the standards of the department, if the commission determines that the standards of such other state are actually being enforced.

18056. All mobilehomes manufactured after September 1, 1958, which are sold or offered for sale within this state, shall bear insignia of approval issued by the department for plumbing, heat-producing, and electrical equipment and installations therein.

The department may issue insignia for mobilehomes manufactured prior to September 1, 1958, which meet the standards established by the commission as provided in Section 18055.

18057. No mobilehome bearing a department insignia of approval pursuant to Section 18056 shall have its plumbing, heat-producing or electrical equipment and installations altered or converted unless approval is first obtained from the department.

18058. The commission is authorized to promulgate rules and regulations which it determines are reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in mobilehomes.

18059. No mobilehome which meets the standards prescribed by Section 18050 and by the commission pursuant to this chapter shall be required to comply with any local ordinances or regulations prescribing requirements on the same subject matter.

18060. The commission by rule and regulations may establish a schedule of fees to pay the costs of work related to administration and enforcement of this part. The fees collected shall be deposited to the credit of any appropriation for support of the department current at the time of collection.

18061. All rules and regulations promulgated by the commission under the authority of this part shall be promulgated pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 5. PENALTIES

18080. Any person who violates any of the provisions of this part or any rules or regulations issued pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding two hundred dollars ($200) or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

SEC. 3. Part 2.1 (commencing with Section 18200) is added to Division 13 of the Health and Safety Code, to read:

PART 2.1. MOBILEHOME PARKS ACT

CHAPTER 1. DEFINITIONS

18200. The provisions of this part insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.

18201. "Approved" when used in connection with any material, appliance or construction, means meeting the requirements and approval of the Department of Housing and Community Development of the State of California.

18202. "Building" is any permanent structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

18203. "Camp car" is a vehicle with or without motive power, which is designed or used for human habitation.

18204. "Commission" is the Commission of Housing and Community Development.

18205. "Conditional permit" is a construction, reconstruction, or operation permit issued by the enforcement agency which may prescribe conditions on the use or occupancy of a mobilehome park.

18206. "Department" is the Department of Housing and Community Development.

18207. "Enforcement agency" is the Department of Housing and Community Development, or any city, county, or city and county which has assumed responsibility for the enforcement of this part pursuant to Section 18300.

18208. "Incidental camping area" is any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes, and where one or more lots used for camping are rented or leased or held out for rent or lease; provided that the density of usage does not exceed 10 lots for each five acres of designated camping area, and that no such lots for camping are located in an area where the population density is more than 300 people per square mile as measured within a $\frac{1}{2}$-mile radius of any camp lot or in an incorporated city.

18209. "Lease" is an oral or written contract for the use possession, and occupation of property. It includes rent.

18210. "Lot" is any area or tract of land or portion of a mobilehome park, travel trailer park, recreational trailer park, temporary trailer park, or tent camp designated or used for the occupancy of one mobilehome, travel trailer, camp car, or camping party, and shall include a site.

18211. "Mobilehome" is a vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

18212. (a) A dependent mobilehome is one not equipped with a toilet for sewage disposal.

(b) An independent mobilehome is one equipped with a toilet for sewage disposal.

(c) A self-contained mobilehome is one equipped with a toilet, water storage tank for potable water, and sewage holding tank.

18213. "Mobilehome accessory building or structure" is any awning, portable, demountable or permanent cabana, ramada, storage cabinet, carport, fence, windbreak or porch established for the use of the occupant of the mobilehome.

18214. "Mobilehome park" is any area or tract of land where one or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes used for human habitation. The rental paid for any such mobilehome shall be deemed to include rental for the lot it occupies.

18215. "Recreational trailer park" is any area or tract of land, within an area zoned for recreational use, where one or

more lots are rented or leased or held out for rent, or lease to owners or users of travel trailers, camp cars or tents and which is occupied for temporary purposes.

18216. "Rent" is money or other consideration given for the right of use, possession, and occupation of property.

18217. "Temporary trailer park" is any area or tract of land where one or more lots are rented or leased or held out for rent or lease to owners or users of travel trailers or camp cars, and which is established for one operation not to exceed 11 consecutive days, and is then removed.

18218. "Trailer coach" is a vehicle, other than motor vehicle, designed or used for human habitation, or human occupancy for industrial, professional or commercial purposes, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

18219. "Travel trailer" is a vehicle other than a motor vehicle, which is designed or used for human habitation, and for travel or recreational purposes, which does not at any time, exceed 8 feet in width and 40 feet in length and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the Vehicle Code.

18220. "Travel trailer park" is any area or tract of land or a separate designated section within a mobilehome park where one or more lots are rented or leased or held out for rent or lease to owners or users of travel trailers or camp cars used for travel or recreational purposes.

CHAPTER 2. APPLICATION AND SCOPE

18300. The provisions of this part apply to all parts of the state and supersede any ordinance enacted by any city, county, or city and county applicable to the provisions of this part. The commission may promulgate rules and regulations to interpret and make specific the provisions of this part and when adopted such rules and regulations shall apply to all parts of the state. Upon written notice to the department, any city, county, or city and county may assume the responsibility for the enforcement of this part.

In the event of nonenforcement of this part or the rules and regulations promulgated pursuant thereto, the provisions of this part and the rules and regulations promulgated thereunder shall be enforced by the department in any such city, county, or city and county after the department has given written notice to the governing body of such city, county, or city and county of a violation of this part or the rules or regulations promulgated thereunder and the city, county, or city and county has failed to initiate proceedings to secure correction of the violation within 30 days of the date of such notice.

The provisions of this part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of their police powers:

(a) From prohibiting mobilehomes or mobilehome parks, travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps within all or certain zones within such city, county, or city and county, or from adopting rules and regulations by ordinance or resolution prescribing standards of lot, yards, or park area, landscaping, walls or enclosures, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps; or

(b) From regulating the construction and use of equipment and facilities located outside of a mobilehome or camp car used to supply gas, water, or electricity thereto, except facilities owned, operated, and maintained by a public utility, or to dispose of sewage or other waste therefrom when such facilities are located outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part, or the regulations adopted pursuant thereto; or

(c) From requiring a permit to use a mobilehome or camp car outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part or by regulations adopted pursuant thereto, and require a permit therefor commensurate with the cost of enforcing this part and local ordinance with reference to the use of mobilehomes and camp cars, which permit may be refused or revoked if such use violates any provisions of this part or Part 2 (commencing with Section 18000) of this division, any regulations adopted pursuant thereto, or any local ordinance applicable to such use; or

(d) From requiring a local building permit to construct an accessory structure for a mobilehome when such mobilehome is located outside a mobilehome park, travel trailer park, recreational trailer park or temporary trailer park, under circumstances which the provisions of this part or Part 2 (commencing with Section 18000) of this division and the regulation adopted pursuant thereto do not require the issuance of a permit therefor by the department.

18301. (a) The provisions of this part applicable to mobilehome parks shall apply equally to travel trailer parks, recreational trailer parks, temporary trailer parks, incidental camping areas, and tent camps except where specifically exempted.

(b) The commission shall specify by rule and regulation reasonable requirements for travel trailer parks, recreational parks, temporary trailer parks, incidental camping areas, and tent camps which shall allow reasonable variations from the requirements of this part for mobilehome parks if the department determines such variations will not endanger public health, welfare, or safety and such variations do not conflict with a valid local regulation adopted pursuant to this part, in the following respects:

(1) Size of yards and lots.
(2) Distance separating trailers.
(3) Construction and width of driveways.
(4) Sanitary facilities.
(5) Electrical installations.
(6) Water supply.
(7) Submission of plans and issuance of permits.
(8) Occupancy of trailer lots.

18302. Mobilehome parks or portions thereof constructed without lot drain inlet "P" traps, drainage system relief vents, and backflow preventer devices and pressure relief valves on the lot water service, shall accommodate only mobilehomes having a department insignia of approval issued pursuant to Section 18056.

18303. This part does not apply to any supervised public park, public campground, or picnic ground owned, operated, and maintained by any of the following:

(a) The federal government.
(b) The state.
(c) Any agency or political subdivision of the state.

18304. (a) This part does not apply to any apartment house, hotel, or dwelling which is subject to the provisions of Part 1.5 (commencing with Section 17910) of this division.

(b) This part does not apply to any labor camp, except a labor camp in which mobilehomes are used to house five or more prospective employees of any person other than the owner or operator of the labor camp, which is subject to the provisions of Chapter 4 (commencing with Section 2610), Part 9, Division 2 of the Labor Code.

(c) This part does not apply to any charitable or recreational organization, incorporated under the laws of the State of California as a nonprofit corporation, which owns acreage in fee or leases acreage in a zoned recreation area or which has sites in a state or federal forest, and the use thereof is limited to the members of such organization, and where such organization complies with rules and regulations for recreational trailer parks established by the commission for such installations to protect the health and safety of the occupants and the general public. Such rules and regulations shall be adopted, amended, repealed and enforced in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code and shall include a schedule of fees to pay the cost of administration and enforcement of this section.

(d) Any charitable or recreational organization intending to operate under this section shall file a notice of intention with the department on forms provided by the department, submitting pertinent data therewith.

(e) This part does not apply to electric, gas or water facilities owned, operated, and maintained by a public utility.

18305. (a) The provisions of this part are not intended to prevent the use of any material, appliance, installation, de-

vice, arrangement, or method of construction not specifically prescribed by this part and the rules and regulations promulgated pursuant thereto, provided any such alternate has been approved.

(b) The department may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part and the rules and regulations promulgated pursuant thereto in quality, strength, effectiveness, fire resistance, durability, safety, and for the protection of life and health.

(c) Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part and the rules and regulations promulgated pursuant thereto, or in order to substantiate claims for alternates, the department may require proof of compliance to be made at the expense of the owner or his agent.

(d) The department shall notify the appropriate enforcement agency of its findings.

(e) This section is not applicable to local regulations authorized by this part.

CHAPTER 3. ENFORCEMENT, ACTIONS AND PROCEEDINGS

18400. The department shall enforce every provision of this part, and the rules and regulations promulgated thereunder, except as provided in Section 18300.

The officers or agents of the enforcement agency may:

(a) Enter public or private property to determine whether there exists any mobilehome park to which this part applies.

(b) Enter and inspect all mobilehome parks, wherever situated, and inspect all accommodations, equipment or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of the provisions of this part.

18401. The enforcement agency shall inspect each mobilehome park at least once annually to determine compliance with this part.

18402. The owner or operator of a mobilehome park shall abate any nuisance in the mobilehome park within five days, or within such longer period of time as may be allowed by the enforcement agency, after he has been given written notice to remove the nuisance. If he fails to do so within that time, the district attorney of the county in which the mobilehome park, or the greater portion of the mobilehome park, is situated shall bring a civil action to abate the nuisance in the superior court of the county in the name of the people of the State of California.

18403. In any action or proceeding to abate a nuisance in a mobilehome park, proof of any one of the following facts

is sufficient for a judgment or order for the abatement of the operation of the mobilehome park:

(a) Previous conviction of the owner or operator of a violation of this part which constitutes a nuisance or failure on the part of the owner or operator to correct the violation after the conviction.

(b) The violation is the basis for the proceeding.

CHAPTER 4. PERMITS AND FEES

18500. It is unlawful for any person to do any of the following unless he has a valid permit issued by the enforcement agency:

(a) Construct a mobilehome park.

(b) Construct additional buildings or lots, alter buildings, lots or other installations, in an existing mobilehome park.

(c) Operate, occupy, rent, lease, sublease, let out or hire out for occupancy any lot in a mobilehome park that has been constructed, reconstructed or altered without having obtained a permit as required herein.

(d) Operate a mobilehome park or any portion thereof.

18501. Applications for a permit to construct or reconstruct shall be accompanied by:

(a) A description of the grounds.

(b) Plans and specifications of the proposed construction.

(c) A description of the water supply, ground drainage and method of sewage disposal.

(d) Appropriate fees.

(e) Evidence of compliance with all valid local planning, health, utility and fire requirements.

18502. Fees as applicable shall be submitted for permits:

(a) Plan checking fees equal to one-half of the construction, mechanical and electrical permits, provided, however, the minimum fee shall be ten dollars ($10).

(b) Operating permit fee of twenty-five dollars ($25) for the first 35 lots and fifty cents ($0.50) for each additional lot in excess of the first 35 lots.

(c) Change in name, transfer of ownership, or possession fee ten dollars ($10).

(d) Duplicate or amended permit fee ten dollars ($10).

18503. The commission by administrative rule and regulation shall establish a schedule of fees relating to construction permits for construction, mechanical and electrical installations. The fees shall apply to and be paid to the enforcement agency. Fees established for construction, mechanical and electrical installations shall be reasonably consistent with the current edition of the Uniform Building Code as published by the International Conference of Building Officials, the Uniform Plumbing Code as published by the Western Plumbing Officials Association and the Uniform Electrical Code as published by the Pacific Coast Electrical Bureau.

18504. Any person violating the provisions of this chapter shall pay double the fees prescribed in this chapter.

18505. A permit to operate shall be issued by the enforcement agency, with a copy to the department, following notice by the owner or operator of completion of construction and receipt of application and appropriate fees, if upon inspection the construction is found to be in compliance with the provisions of this part.

18506. Permits to operate shall be issued annually by the enforcement agency covering the period from January 1 through December 31 of each calendar year. A copy of each permit to operate shall be forwarded to the department. No permit to operate shall be issued for a mobilehome park when the previous operating permit has been suspended by the enforcement agency until the violations which were the basis for the suspension have been corrected. No mobilehome park in existence on September 15, 1961, shall be denied a permit to operate if such mobilehome park complied with the law which this part supersedes.

18507. (a) The department and enforcement agency shall be notified by the new owner or operator of any mobilehome park of any change in the name or ownership or possession thereof. The notice shall be in written form and shall be furnished within 30 days from and after any such change in name or transfer of ownership or possession. The notice shall be accompanied by the appropriate fees to the enforcement agency. Following receipt of the notice and fee the enforcement agency shall record the change of ownership or possession and shall issue an amended permit to operate except as provided in Section 18506.

(b) In case of any change in name or transfer of ownership or possession prior to completion of construction, no additional fee for a construction permit is required, provided the new owner completes construction in accordance with prior enforcement agency approved plans and specifications. However, the notice of such change shall be accompanied by revised plans and specifications and the appropriate fees shall be required.

18508. Permits for construction and operation shall be posted in a conspicuous place.

18509. All permits as required in this chapter for construction or reconstruction shall automatically expire within six months from the date of issuance thereof in those cases where the construction or reconstruction has not been completed within said period; provided, however, that the enforcement agency may extend expiration date of said permit for a reasonable time.

18510. If any person who holds an annual permit violates any provision of the permit or of this part, the permit may be suspended by the enforcement agency. This section does not, however, authorize the suspension of a permit of any mobilehome park existing on September 15, 1961, for any violation

of this part which was not a violation of the law which this part supersedes.

18511. The enforcement agency shall issue and serve upon the permittee a notice setting forth in what respect the provisions of the permit or this code have been violated, and shall notify him that unless these provisions have been complied with within 30 days after the date of notice, the permit shall be subject to suspension.

18512. The notice shall be served by posting at least one copy in a conspicuous place on the premises described in the said permit, and by sending another copy by registered mail, postage prepaid, return receipt requested, to the person to whom the permit was issued at the address therein given.

18513. Any permittee receiving a notice of permit suspension may request and shall be granted a hearing on the matter before an authorized representative of the enforcement agency. The permittee shall file with the enforcement agency a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days of the date of mailing of such notice.

18514. Upon receipt of such petition the enforcement agency shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show cause, if any, why such notice should be modified or withdrawn.

18515. Such hearing shall be commenced not later than 10 days after the day on which such petition was filed. Upon application of the petitioner the enforcement agency may, however, postpone the date of such hearing for a reasonable time beyond such 10-day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

18516. After such hearing the enforcement agency shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this part have been complied with.

18517. If the requirements of the said notice have not been complied with on or before the expiration of 30 days after the mailing and posting of the notice, the enforcement agency may suspend the permit.

18518. Upon compliance by the permittee with the provisions of this part and of the notice, and submission of proof thereof to the enforcement agency, the enforcement agency shall reinstate the permit or issue a new permit.

CHAPTER 5. REGULATIONS

Article 1. General Provisions

18600. Every person who owns or operates a mobilehome park shall keep a register in which shall be entered:

(a) The name and address of the owner or occupant of each mobilehome.

(b) The make, type and license number of the mobilehome and the state in which such mobilehome is registered and the year of registration as shown on the license plates attached to it.

18601. Dogs and other animals shall not be permitted to run at large in any mobilehome park.

18602. In every mobilehome park there shall be installed and kept burning from sunset to sunrise sufficient artificial light to adequately illuminate every building containing public toilets and public showers, and the area or tract of land containing the mobilehome park.

18603. There shall be a person available who shall be responsible for the operation and maintenance of the mobilehome park.

Article 2. Mobilehome Lots

18610. The occupied area of a mobilehome lot shall not exceed 75 percent of the lot area.

18611. (a) The minimum distance required for the separation of a mobilehome from a building shall be 10 feet. The minimum distance required for the separation of a mobilehome from any other mobilehome shall be: 10 feet from side to side, 8 feet from side to rear, and 6 feet from rear to rear; provided, however, that each mobilehome shall not be located closer than 3 feet from the rear or side of a lot line. The minimum distance required for the separation or location of buildings from property lines shall be in accordance with the requirements of the rules and regulations promulgated under Section 18300 of this part.

The minimum distance required for the separation or location of mobilehome accessory buildings or structures shall be in accordance with the requirements of the rules and regulations promulgated under subdivision (g) of Section 18050.

(b) In mobilehome parks, or portions thereof, constructed prior to September 15, 1961, no mobilehome shall be located closer than six feet from any permanent building or another mobilehome. This subdivision does not, however, apply to a building which contains only a private toilet or bath, or both, that is constructed for the exclusive use of the occupants of the mobilehome lot.

18612. (a) Each mobilehome shall have access from the mobilehome lot to a driveway of not less than 25 feet in clear width. All driveways shall have clear and unobstructed access to a public thoroughfare.

(b) In mobilehome parks, or portions thereof, constructed prior to September 15, 1961, each mobilehome shall have access, from the mobilehome lot, to a driveway not less than 15 feet in width.

Article 3. Building Construction

18620. The commission shall promulgate such rules and regulations regarding the construction of buildings in mobilehome parks as the commission shall determine are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to the construction of all permanent buildings in a mobilehome park, except in a mobilehome park in a city, county, or city and county which has adopted and is enforcing a building code imposing restrictions equal to or greater than the restrictions imposed by such rules and regulations and which is the enforcement agency.

Article 4. Plumbing

18630. The commission shall promulgate such rules and regulations regarding plumbing in mobilehome parks as the commission determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to all plumbing in mobilehome parks, except in permanent buildings within a mobilehome park in a city, county, or city and county which has adopted and is enforcing a plumbing code imposing restrictions equal to or greater than the restrictions imposed by such rules and regulations and which is the enforcement agency.

Article 5. Toilet and Laundry Facilities

18640. Public toilets, showers and lavatories shall be provided as follows:

(a) In mobilehome parks constructed and operated exclusively for dependent mobilehomes: one toilet, one shower, and one lavatory for each sex for each 15 dependent mobilehome lots

(b) In mobilehome parks constructed and operated exclusively for dependent and independent mobilehomes, the following ratio of toilets, showers, and lavatories for each sex:

Lots	Toilets	Showers	Lavatories
1–25	1	1	1
26–70	2	2	2

One additional toilet shall be provided for each sex for each 100 additional lots or fractional part thereof in excess of 70 lots.

(c) All toilet facilities for dependent mobilehomes shall not be farther than 400 feet from any dependent mobilehome lot.

(d) Each toilet shall be for the exclusive use of the occupants of the mobilehome lots in the mobilehome park.

(e) Mobilehome parks constructed and operated exclusively for independent mobilehomes need not be provided with public toilets, showers, or lavatories.

18641. Every toilet compartment in any building shall be at least 30 inches in clear width.

18642. Toilet facilities for men shall be distinctly marked "Men" and toilet facilities for women shall be distinctly marked "Women".

18643. The floor of every toilet facility shall be constructed and shall be maintained in a waterproof condition by the use of cement, concrete, or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the toilet facility compartment, to a height of not less than 12 inches above the floor.

18644. Shower baths or other bathing facilities with hot and cold running water shall be installed in separate compartments. Every compartment shall be provided with a self-closing door or otherwise equipped with a waterproof draw curtain.

18645. The floor of every shower bath compartment shall be constructed and shall be maintained in a waterproof condition by the use of cement, concrete, or other approved waterproof material. The waterproof material shall be applied upward on the interior walls of the compartment to a height of not less than six feet above the floor.

18646. Every toilet compartment or compartments containing bathing facilities shall be:

(a) Kept clean.

(b) Kept free from obnoxious odors, flies, mosquitoes, or other insects.

(c) Provided with one or more windows having an aggregate area of not less than six square feet. However, if the room contains more than one toilet, bath, or urinal, the total window area shall be equivalent to three square feet for each toilet, bath, or urinal, but need not exceed one-fourth of the superficial floor area of the room.

(d) Windows shall be screened with not less than 16-mesh metal screen or equivalent. One-half the window area shall be openable.

(e) In lieu of windows for bath and toilet compartments, an approved exhaust fan system of ventilation may be used.

18647. There shall be constructed in every mobilehome park containing two or more lots, a laundry room with not less than two laundry trays or a clothes washing machine.

18648. The floors and at least 12 inches upward on the walls of such laundry room shall be constructed of approved waterproof masonry composition.

18649. Each laundry room shall have window area equal to at least one-eighth of the floor area, one-half of which shall be openable, and in no case shall the total window area be less than nine square feet.

18650. Laundry trays and clothes washing machines shall be supplied with hot and cold water.

18651. There shall be set aside a space convenient to the laundry facilities for the occupants of the mobilehome lots to dry clothes.

18652. There shall be not less than one lavatory for each sex installed in every building in a mobilehome park containing public toilets.

18653. There shall be an adequate supply of potable water for all the requirements of the park, except that irrigation or sprinkler systems need not be supplied with potable water. Potable water shall be obtainable from faucets installed not more than 100 feet from each mobilehome lot or site.

18654. No dipping vessels or cups for common use are permissible.

Article 6. Electrical

18670. The commission shall promulgate such rules and regulations regarding electrical wiring, fixtures, and equipment installed in mobilehome parks as the commission determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to all electrical wiring, fixtures, and equipment installed in a mobilehome park, except in permanent buildings within a mobilehome park in a city, county, or city and county which has adopted and is enforcing an electrical code imposing restrictions equal to or greater than the restrictions imposed by such rules and regulations and which is the enforcement agency.

Article 7. Maintenance and Sanitation

18680. Metal or plastic waste containers equipped with tight-fitting lids shall be provided in every mobilehome park, and all garbage, waste and rubbish shall be removed from the premises and disposed of without creating a nuisance.

18681. The area or tract of land upon which a mobilehome park is maintained shall be:

(a) Well-drained and graded.

(b) Kept free from dust.

(c) Kept clean and free from the accumulation of refuse, garbage, rubbish or debris.

Chapter 6. Fuel Gases

18690. The commission shall promulgate such rules and regulations regarding fuel gas equipment and installations in mobilehome parks as the commission determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to all fuel gas equipment and installations in a mobilehome park, except in permanent buildings within a mobilehome park in a city, county, or city and county which has adopted and is enforcing a gas code imposing restrictions equal

to or greater than the restrictions imposed by such rules and regulations and which is the enforcement agency.

18691. The commission shall adopt rules and regulations which it determines are reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in mobilehome parks.

The rules and regulations shall be applicable in all mobilehome parks, except in a mobilehome park within a city, county, or city and county which has adopted and is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by such state regulations and which is the enforcement agency.

Notwithstanding the provisions of this section, the rules and regulations relating to the installation of water supply and fire hydrant systems shall not apply within mobilehome parks constructed, or approved for construction, prior to January 1, 1966.

CHAPTER 7. PENALTIES

18700. Any person who violates any of the provisions of this part or any rules or regulations issued pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding two hundred dollars ($200) or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

Any permitholder who violates any of the provisions of this part or any rules or regulations issued pursuant to this part shall be subject to suspension or revocation of his permit to operate.

CHAPTER 1057

An act to amend Sections 13329.1, 14001 and 14601 of the Education Code, relating to employment in the public schools.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 13329.1 of the Education Code is amended to read:

13329.1. Service by a person in the public schools only as an instructor in classes organized under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, or Section 11300 or Section 4012 of the Welfare and Institutions Code, shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

This section shall not be construed to apply to any regularly credentialed teacher who has been employed to teach in

the regular educational programs of the school district as a probationary employee before being subsequently assigned to any one of these programs.

SEC. 2. Section 14001 of the Education Code is amended to read:

14001. The following persons are excluded from membership in the retirement system:

(a) Any person who shows to the satisfaction of the board, that he will be unable, by reason of the nature of his services, to become eligible to benefits thereunder.

(b) Persons employed in a status which is requisite for membership, but who are members of a county retirement system. A member who is excluded by this subdivision shall not be considered to have terminated his membership or right to a retirement allowance based on time served as a member unless he withdraws his contributions as provided in Section 14151.

(c) Persons serving as exchange teachers from outside of this state.

(d) Persons employed on a substitute basis, who are not already members when they become employed and who render less than 100 complete days of service during the school year. If, at the end of a pay period, a substitute teacher has rendered 100 or more complete days of substitute service in that school year and subsequently renders one or more complete days of such service in that school year, he shall become a member on the first day of the pay period during which such additional service was rendered.

(e) Persons not already members who are employed on a part-time basis and who will render less than 24 hours of service per pay period, or on a daily basis and who will serve less than four days per pay period.

(f) Persons not already members who are employed as instructors of adult education classes which have a duration of less than one school semester, or less than one school quarter of 12 weeks if the district operates its adult education program on that basis.

(g) Persons not already members who are employed as part-time teachers and who are concurrently employed in full-time positions as members of another retirement system, other than a local system or a system administered and supported by the United States government, supported wholly or in part by public funds.

For the purposes of this section a pay period may not be less than four weeks or more than one calendar month.

(h) Persons not already members employed in the public schools only as an instructor in classes organized under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, or Section 11300 or Section 4012 of the Welfare and Institutions Code.

This subdivision shall not be construed to apply to any regularly credentialed teacher who has been employed to teach in

the regular educational programs of the school district as a probationary or permanent employee before being subsequently assigned to any one of these programs.

(i) Persons not already members who are employed for less than full time in positions requiring health and development credentials, or a standard credential in designated services for health.

SEC. 3. Section 14601 of the Education Code is amended to read:

14601. (a) Every regular full-time teacher and every other employee of any school district for which the plan for district retirement is adopted, who is employed by the district at the time of the adoption of the plan, and who signs an agreement to be subject to the burdens of the district retirement plan, shall be entitled to the benefits and subject to the burdens of the plan and of Sections 14551 to 14698, inclusive. Every regular full-time teacher employed in the public schools of the districts after the adoption of the provisions of Sections 14551 to 14698, inclusive, by the governing boards of the districts, and such other employees as the boards or the petition determines, shall be bound by the benefits and burdens of Sections 14551 to 14698, inclusive.

(b) This section shall not be applicable to a person employed in the public schools only as an instructor in classes organized under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, or Section 11300 or Section 4012 of the Welfare and Institutions Code.

This subdivision shall not be construed to apply to any regularly credentialed teacher who has been employed to teach in the regular educational programs of the school district as a probationary or permanent employee before being subsequently assigned to any one of these programs.

SEC. 4. The Legislature hereby finds and declares that the amendments made in this act do not constitute a change in, but are only declaratory of, the preexisting law.

CHAPTER 1058

An act authorizing the Director of General Services to sell certain lands and tidelands, situated in Alameda County, to the Alameda Unified School District, in furtherance of educational purposes upon certain trusts and conditions, and providing for the government, management, use, and control thereof.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. The Director of General Services is authorized to sell to the Alameda Unified School District, hereinafter

called "district," a political subdivision of the State of California, and to its successors, all the right, title, and interest now held by the State of California, in and to all lands, salt marsh, tidelands, and submerged lands, whether filled or unfilled, which are included within that portion of the area described as Lot 17 of Section 10, T. 2 S., R. 4 W., M.D.M., as shown upon "Map No. 2 of Salt Marsh and tidelands situated in the County of Alameda" dated 1871 and prepared by order of the Board of Tideland Commissioners which area is located in the County of Alameda and is specifically described as follows:

Beginning at a point on the eastern line of Lot 18, Section 10, Township 2 South, Range 3 West, Mount Diablo Base and Meridian, said point being 183.00 feet northerly at right angles from the southern line of said lot and having coordinates of y=466,893.34 feet and x=1,484,697.43 feet based on the California Coordinate System, Zone 3, as are all bearings, distances and coordinates in this description; thence along said eastern line of Lot 18, North 1°03'20" East 476.95 feet, more or less, to the southerly line of the parcel of land described in the Final Order of Condemnation, Alameda Unified School District vs. Nathan Engleberg, et al., recorded December 15, 1953, at page 539, Book 7204, Official Records of Alameda County; thence along last said southerly line and the southerly line of Parcel 2 of the parcels of land described in the deed from Robert C. Strehlow, Jr., acting executor of the Last Will and Testament of Robert C. Strehlow, to Alameda Unified School District recorded August 13, 1953, at page 463, Book 7106, Official Records of Alameda County, South 88°56'04" East 240.14 feet, more or less, to the southeasterly corner of said Parcel 2; thence along the direct extension southerly of the easterly line of said Parcel 2, South 2°50'26" West 477.18 feet, more or less, to a line drawn parallel with the southern line of said Lot 18 and 183.00 feet northerly at right angles therefrom; thence along said parallel line, North 88°56'04" West 225.28 feet, more or less, to the beginning; consisting of 2.548 acres more or less.

To be forever held by the district, and its successors, in trust for the uses and purposes and upon the express condition that the lands shall be used by the district for development and expansion of public school facilities to be maintained and operated by the district or its successors, including for the erection of any buildings and the placement of any improvements which may be necessary to such uses and purposes, and which may be consistent with the trust upon which the lands are held by the state or all right, title, and interest of the district in and to all such lands shall cease and such lands shall revert and rest in the state; and the district or its successors shall not, at any time, grant, convey, give or alienate the lands or any part thereof, to any individual, firm, or corporation for any purposes whatever.

SEC. 2. The lands shall be sold at the land's current market value at the time of transfer, as determined by the Director of General Services and the district pursuant to negotiation, and upon such terms and conditions and with such reservations and exceptions as in the opinion of the director may be for the best interest of the state.

SEC. 3. The sale of the lands authorized by this act shall be subject to the written authorization of the Secretary of the Interior.

SEC. 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 1059

An act to add Article 4.5 (commencing with Section 53740) to Chapter 4, Division 2, Title 5 of the Government Code, relating to tort liability funds.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Article 4.5 (commencing with Section 53740) is added to Chapter 4, Division 2, Title 5 of the Government Code, to read:

Article 4.5. Tort Liability Fund

53740. As used in this article, "local agency" means city, county, or district empowered to levy or assess taxes.

53741. By ordinance, the legislative body of a local agency may provide for the levy and collection of assessments or taxes for the creation and accumulation of a fund to provide for payments of claims arising under Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, and all legal and investigative costs arising from said claims.

53742. In making a levy, the legislative body shall not exceed any limitation upon its right to impose taxes prescribed by law except as authorized by law.

53743. If the local agency is a city or county operating under a charter, any limitations upon the levying of taxes imposed by the charter apply.

53744. In a local agency required to adopt a budget, all or part of the fund may be shown in the budget as reserves for future expenditures in subsequent years and when so shown shall be identified as to purpose, but need not be itemized.

53745. At any time after the creation of the fund the legislative body may transfer to the fund any unencumbered surplus funds remaining on hand at the end of the fiscal year.

53746. The fund shall be used exclusively for the payments of claims, judgments, and legal and investigative costs that may arise under Division 3.6 (commencing with Section 810) of Title 1 of the Government Code.

53747. This article is applicable only in counties with a population of 4,000,000 or more, as determined by the 1960 federal census.

CHAPTER 1060

An act to amend Sections 14406, 14905, 15101, 15200, 15201, 15202, 15401, 15652, 15654, 15812, and 15813 of the Financial Code, relating to credit unions.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 14406 of the Financial Code is amended to read:

14406. Unless the bylaws expressly reserve any or all of the following duties to the shareholders it shall be a special duty of the directors:

(a) To act upon all applications for membership. The directors may delegate the power to approve applications for new membership to the chairman of a membership committee or to an executive committee.

(b) To expel members for any of the following causes:

(1) Conviction of a criminal offense involving moral turpitude.

(2) Failure to carry out contracts, agreements or obligations with the credit union.

(3) Refusal to comply with the provisions of this division or of the bylaws.

Any member who shall have been expelled by the board of directors shall have the right to appeal therefrom to the members, in which event after hearing the order of suspension may be revoked by a two-thirds vote of the members present at a special meeting to consider the matter.

(c) To obtain adequate surety bond coverage for the treasurer and any assistant treasurer conditioned upon the honest performance of his trust. The minimum principal amount of such bond shall be based on the gross assets of the credit union, according to the following schedule:

Gross assets	Amount of bond
0 to $5,000	$1,000
5,001 to 10,000	2,000
10,001 to 20,000	4,000
20,001 to 30,000	5,000
30,001 to 40,000	8,000
40,001 to 50,000	10,000
50,001 to 75,000	15,000
75,001 to 100,000	20,000
100,001 to 150,000	30,000
150,001 to 200,000	40,000
200,001 to 300,000	50,000
300,001 to 400,000	60,000
400,001 to 500,000	70,000
500,001 to 750,000	85,000
750,001 to 1,000,000	100,000
Over 1,000,000	100,000 plus 50,000 for each additional million or fraction thereof of assets.

(d) To obtain adequate fidelity bond coverage for each officer and employee having control of or access to funds or securities owned by or pledged with a credit union commensurate with risks involved.

(e) To determine from time to time the rate of interest which shall be allowed on shares or certificates and interest rate on loans.

(f) To fix the maximum number of shares which may be held by, and the maximum amount which may be lent to any one member.

(g) To declare dividends and to authorize the payment of interest refunds to borrowing members.

(h) To recommend amendments to the bylaws.

(i) To fill vacancies in the board of directors or credit committee, and temporarily fill vacancies caused by the suspension of any member of the board of directors, or any or all members of the credit committee, pending a meeting of the shareholders to determine whether to affirm such suspension and vacate the office, or to reinstate such members.

(j) To direct the deposit or investment of funds, except loans to members, and to perform such other duties as the bylaws may prescribe.

(k) To designate alternate members of the credit committee who shall serve in the absence or inability of the regular members to perform their duties.

SEC. 2. Section 14905 of the Financial Code is amended to read:

14905. Any loan in excess of three thousand dollars ($3,000) shall be secured either (1) by real or personal property to the extent that the loan exceeds three thousand dollars

($3,000), or (2) in the manner provided in subsections (b) and (c) of Section 14907 of this article.

SEC. 3. Section 15101 of the Financial Code is amended to read:

15101. The capital funds, undivided profits, and guaranty fund of any credit union may be deposited in any of the following:

(a) Savings banks, state banks or trust companies, incorporated under the laws of this state.

(b) National banks located in this state.

(c) The Postal Savings System of the United States.

(d) Securities authorized by statute as investments for savings banks.

(e) Shares or certificates for funds received or any form of evidence of interest or indebtedness issued by any credit union in this state, organized under the provisions of this division or the statutes of the United States relating to credit unions.

(f) Accounts with, investment certificates or withdrawable shares of, any savings and loan associations doing business in this state and which is an insured institution as defined by Title IV of the National Housing Act; provided that the total sum invested by any credit union in any one savings and loan association pursuant to this section shall not exceed the greater of one-fourth of 1 percent of such savings and loan association's total withdrawable accounts or fifteen thousand dollars ($15,000).

SEC. 4. Section 15200 of the Financial Code is amended to read:

15200. The board of directors of any credit union may declare dividends semiannually, annually, or, with the written approval of the commissioner, quarterly.

SEC. 5. Section 15201 of the Financial Code is amended to read:

15201. The directors of any credit union may, at the close of each quarter, half-year, or fiscal year, declare such dividends from its undivided profits as provided by law, but no credit union shall declare, credit, or pay any dividends to its shareholders until it has transferred to its guaranty fund such part of its net earnings as is required by Section 15150.

SEC. 6. Section 15202 of the Financial Code is amended to read:

15202. To determine the undivided profits the credit union may credit the profit and loss account with the earnings from all sources during the quarter, half-year, or fiscal year. The credit union shall then deduct the following amounts for the quarter, half-year or fiscal year:

(a) All expenses paid or incurred of whatever nature in the management of its affairs, the collection of its debts or the transaction of its business.

(b) The interest paid, or accrued and unpaid, on debts owing by it.

(c) All losses sustained by it in excess of its guaranty fund.

SEC. 6.5. Section 15401 of the Financial Code is amended to read:

15401. Special meetings may be held upon order of the board of directors and shall be held upon the written request of 10 members or 3 percent of the membership, whichever is greater. Notice of special meetings shall be given to all members specifying the date, time, place, and purpose of such meeting.

SEC. 7. Section 15652 of the Financial Code is amended to read:

15652. Promptly thereafter the president or vice president and secretary or assistant secretary shall sign and verify a certificate stating that the credit union has elected to wind up and dissolve and showing by what vote or consent such election was made. The certificate shall be filed in the office of the Secretary of State, and copies of the certificate certified by the Secretary of State shall be filed with the commissioner and the county clerk of the county in which the principal office of the credit union is located.

SEC. 8. Section 15654 of the Financial Code is amended to read:

15654. The committee or the liquidating agent in charge of liquidation may sue in the name and on behalf of the credit union, and may sell or otherwise dispose of the assets of the credit union, in whole or in part, at public or private sale.

SEC. 9. Section 15812 of the Financial Code is amended to read:

15812. On taking possession of the business and assets of any credit union as provided in this chapter, the commissioner may proceed to liquidate the credit union in the manner provided by Division 1 of this code or he may appoint a liquidating agent or a liquidating committee of three members of the credit union to liquidate the business and assets of the credit union in the manner provided in Article 2 of Chapter 7 of this division. Such liquidating agent need not be a member of the credit union to be liquidated and may be a person, firm, or corporation as determined by the commissioner.

SEC. 10. Section 15813 of the Financial Code is amended to read:

15813. The commissioner shall supervise the acts of the liquidating agent or the liquidating committee appointed under this chapter and may remove the liquidating agent or any member of the liquidating committee in his discretion. The liquidating agent or the members of the liquidating committee shall file with the commissioner a faithful performance bond in an amount to be determined by the commissioner. The premium for such bond shall be paid out of the assets of the credit union.

CHAPTER 1061

An act to add Section 27496.5 to the Government Code, relating to coroner's juries.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 27496.5 is added to the Government Code, to read:

27496.5. The fees for jurors of a coroner's jury shall be the same as those provided by Section 1143 of the Penal Code and are county charges.

CHAPTER 1062

An act to amend Section 18005 of the Government Code, relating to vacation lump sum payments.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 18005 of the Government Code is amended to read:

18005. (a) Upon separation from service without fault on his part, a person is entitled to a lump sum payment as of the time of separation for any unused or accumulated vacation or for any time off to which he is entitled by reason of previous overtime work where compensating time off for overtime work is provided for by the appointing power or by rules of the State Personnel Board. Such sum shall be computed by projecting the accumulated time on a calendar basis so that the lump sum will equal the amount which the employee would have been paid had he taken the time off but not separated from the service.

(b) Persons separated from service through fault of their own are entitled to a lump sum payment for such compensating time off for overtime work, and in addition, such portion, if any, of unused vacation as the State Personnel Board may determine. The computation of such sum shall be based on actual accumulated time without projection as provided in (a).

(c) Lump sum payment for vacation shall not be made to a person who separates from a position for the purpose of accepting another position in the state service except: (1) upon movement to a position in which vacation credits are

neither accrued nor used or (2) upon reassignment of an employee of the Trustees of the California State Colleges from a position other than an academic year position, to an academic year position. However, a lump sum payment shall not be made to a person who returns to a position in the same class and agency within 15 working days of the date of his resignation.

CHAPTER 1063

An act to amend Section 19222 of the Government Code, relating to state civil service.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 19222 of the Government Code is amended to read:

19222. Eligibility for appointment to positions in the career executive assignment category shall be established as a result of competitive examination of persons with permanent status in the civil service who meet such minimum qualifications as the board may determine are requisite to the performance of high administrative and policy influencing functions. No person employed in a career executive assignment shall be deemed to acquire as a result of such service any rights to or status in positions governed by the provisions of this part relating to the civil service other than the category of career executive assignment; however, an employee shall, if he so desires, at the termination of his appointment to a career executive assignment, be reinstated to his former position. For the purpose of this section "employee" means a permanent employee, or an employee serving under another appointment who previously had permanent status and who, since such permanent status, has had no break in the continuity of his state service.

CHAPTER 1064

An act to amend Sections 9262, 9264, 9552, and 42230 of the Vehicle Code, relating to motor vehicle fees.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 9262 of the Vehicle Code is amended to read:

9262. The fees for a certificate and license and special plates issued to manufacturers, transporters and dealers shall be:

(a) For the certificate and license and the first set of special plates where, in the discretion of the department, an investigation is necessary, the fee shall be fifty dollars ($50), plus the prevailing vehicle registration fee as set forth in Section 9250 of this code during the period for which the special plates are to be issued.

(b) For the first set of special plates where no investigation is necessary or upon annual renewal, the fee shall be the prevailing vehicle registration fee as set forth in Section 9250 of this code during the period for which the special plates are to be issued.

(c) For each additional set of special plates, or upon annual renewal, the fee shall be the prevailing vehicle registration fee as set forth in Section 9250 of this code during the period for which the special plates are to be issued.

SEC. 2. Section 9264 of the Vehicle Code is amended to read:

9264. (a) The fees for a certificate and license and special plates issued to automobile dismantlers shall be:

(1) For the certificate and license and the first set of special plates where, in the discretion of the department, an investigation is necessary, the fee shall be fifty dollars ($50), plus the prevailing vehicle registration fee as set forth in Section 9250 of this code during the period for which the special plates are to be issued.

(2) For the first set of special plates where no investigation is necessary, or upon annual renewal, the fee shall be the prevailing vehicle registration fee as set forth in Section 9250 of this code during the period for which the special plates are to be issued.

(3) For each additional set of special plates, or upon annual renewal, the fee shall be the prevailing vehicle registration fee as set forth in Section 9250 of this code during the period for which the special plates are to be issued.

(b) Should an automobile dismantler make application for a license and certificate and special plates as a manufacturer, transporter, or dealer, then in that event he shall pay such additional fees as are set forth under Section 9262.

SEC. 3. Section 9552 of the Vehicle Code is amended to read:

9552. (a) Whenever any vehicle is operated upon any highway of this state without the registration fee having first been paid as required by this code, such fee is delinquent.

(b) Whenever any person has received as transferee a properly endorsed certificate of ownership and the registration card of the vehicle described in the certificate and card and the transfer fee has not been paid as required by this code within 10 days, the fee is delinquent.

(c) Whenever any person becomes an automobile dismantler, dealer, manufacturer, or transporter without first having paid the license or certificate and special plate fees as required by this code, the fees are delinquent.

SEC. 4. Section 42230 of the Vehicle Code is amended to read:

42230. Whenever any application made under this code is accompanied by any fee, except an application for a duplicate driver's license, as required by law, and the application is refused or rejected, the fees shall be returned to the applicant except that whenever any application is made for the first set of special plates under subdivision (a) of Section 9262, and the application is refused or rejected, the fee for the special plates only shall be returned to the applicant, or when application is made for the first set of special plates under subdivision (1) of Section 9264 and the application is refused or rejected, the fee for the special plates shall be returned to the applicant.

CHAPTER 1065

An act to amend Section 6522 of, and to add Section 6522.5 to, the Business and Professions Code, relating to barbers.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 6522 of the Business and Professions Code is amended to read:

6522. The provisions of this chapter do not apply to:

(a) Persons authorized by the law of this state to practice medicine and surgery or osteopathy or chiropractic or persons holding a drugless practitioner certificate under the laws of this state.

(b) Commissioned medical or surgical officers of United States army, navy or marine hospital service.

(c) Registered nurses.

(d) Persons licensed to practice cosmetology.

However, the provisions of this section do not authorize any of the persons exempted to shave or trim the beard, or cut the hair of any person for cosmetic purposes except that persons included in subdivision (d) may cut the hair when the haircut is performed in a licensed cosmetology establishment which does not represent itself to the public as being primarily engaged in the business of haircutting, or which is not primarily engaged in the business of haircutting.

SEC. 2. Section 6522.5 is added to the Business and Professions Code, to read:

6522.5. Any person who does any of the acts of barbering specified in Section 6520, including, but not limited to, cutting the hair of a patron, in a barbershop shall display either a paid-up barber or apprentice certificate issued by the board.

CHAPTER 1066

An act to add Sections 71042.5 and 71042.6 to the Government Code, relating to publication in judicial districts.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 71042.5 is added to the Government Code, to read:

71042.5. Notwithstanding any other provision of law, upon consolidation of judicial districts, the territory embraced within the respective prior component judicial districts shall be separate judicial districts for the purpose of publication within a judicial district.

SEC. 2. Section 71042.6 is added to the Government Code, to read:

71042.6. For the purpose of establishing boundaries under Section 71042.5, upon consolidation of judicial districts, a map approved by the county surveyor shall be filed with the county recorder showing the boundaries of all consolidated and component districts as of the date of consolidation.

Such map and boundaries shall be applicable to any consolidation which becomes effective on or after the effective date of this section.

Such map shall be conclusively presumed to be accurate and may be used in evidence in any proceeding involving application of Section 71042.5.

CHAPTER 1067

An act to amend Sections 23356.5, 23358, and 23390 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 23356.5 of the Business and Professions Code is amended to read:

23356.5. A wine blender's license authorizes the person to whom issued to exercise all of the privileges of a winegrower's license except:

(a) To crush and ferment and produce wine from grapes, berries or other fruits.

(b) To obtain or be issued a duplicate winegrower's license as provided for in Section 23390.

(c) To buy, sell, receive or deliver wine from persons other than authorized licensees.

(d) To sell and deliver wine to consumers for consumption off the premises where sold.

(e) To exercise on-sale privileges as provided in Section 23358 of this code.

SEC. 2. Section 23358 of the Business and Professions Code is amended to read:

23358. Licensed winegrowers, notwithstanding any other provisions of this division, may also sell wine and brandy to any person holding a license authorizing the sale of wine or brandy, and to consumers for consumption off the premises where sold, and may also sell only wine to consumers for consumption on the premises in a bona fide eating place as defined in Section 23038 of this code, which is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and which is operated by and for the licensee. A winegrower shall actually produce on his licensed premises by conversion of grapes, berries or other fruit, into wine, not less than 50 percent of all wines sold to consumers on his licensed premise or premises and any licensed branch premise or premises.

The department may, if it shall determine for good cause that the granting of such privilege would be contrary to public welfare or morals, deny the right to exercise the on-sale privilege authorized by this section in any bona fide eating place the main entrance to which is within 200 feet of a school or church.

SEC. 3. Section 23390 of the Business and Professions Code is amended to read:

23390. A licensed winegrower or brandy manufacturer, in addition to exercising all the privileges of his license at his licensed premises, may exercise all his license privileges at or from branch offices or warehouses, or United States bonded wine cellars located away from his place of production or manufacture, other than production or manufacture, the sale of wine to consumers for consumption on the premises in a bona fide eating place, and the sale or delivery of wine to consumers in containers supplied, furnished, or sold by the consumer. The department shall upon request issue to a winegrower or brandy manufacturer a duplicate of his original license for a location or locations other than his wine production or brandy manufacture premises. The duplicate license authorizes the maintenance and operation of each branch or warehouse or

United States bonded wine cellar declared and designated by the winegrower or brandy manufacturer at the location for which the duplicate license is issued. The fee for each duplicate winegrower's license is an amount equal to the license fee payable for a like period for a wholesale beer and wine license, and for each duplicate brandy manufacturer's license an amount equal to the fee paid for the original license.

Notwithstanding the provisions of any other section of this division, a duplicate winegrower's license or duplicate brandy manufacturer's license shall be issued forthwith upon the application therefor. In the event any protest is received by the department concerning the issuance of such duplicate license, the protest shall be considered as an accusation against the licensee and a hearing had thereon as if an accusation had been filed.

For 30 days from the date of the issuance of such duplicate license, no retail sales of wine or brandy shall be made at any branch office for which a duplicate winegrower's license or duplicate brandy manufacturer's license is issued pursuant to this section.

CHAPTER 1068

An act to add Chapter 14 (commencing with Section 7200) to Division 7 of Title 1 of, to add Section 27330 to, and to repeal Sections 27330, 27331 and 27332 of, the Government Code, relating to federal tax liens.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Chapter 14 (commencing with Section 7200) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 14. UNIFORM FEDERAL TAX LIEN REGISTRATION ACT

7200. (a) Notices of liens upon real property for taxes payable to the United States, and certificates and notices affecting the liens shall be filed for record in the office of the recorder of the county in which the real property subject to a federal tax lien is situated.

(b) Notices of liens upon personal property, whether tangible or intangible, for taxes payable to the United States and certificates and notices affecting the liens shall be filed as follows:

(1) If the person against whose interest the tax lien applies is a corporation or a partnership whose principal executive

office is in this state, as these entities are defined in the internal revenue laws of the United States, in the office of the Secretary of State;

(2) In all other cases, they shall be filed for record in the office of the recorder of the county where the taxpayer resides at the time of filing of the notice of lien.

7201. Certification by the Secretary of the Treasury of the United States or his delegate of notices of liens, certificates, or other notices affecting tax liens entitles them to be filed and no other attestation, certification, or acknowledgment is necessary.

7202. (a) If a notice of federal tax lien, a refiling of a notice of tax lien, or a notice of revocation of any certificate described in subdivision (b) is presented to the filing officer and

(1) He is the Secretary of State, he shall cause the notice to be marked, held and indexed in accordance with the provisions of subdivision (4) of Section 9403, of the Uniform Commercial Code as if the notice were a financing statement within the meaning of that code; or

(2) He is a county recorder, he shall accept for filing, file for record in the manner set forth in Section 27320 of this code, and index the document by the name of the taxpayer in the general index.

(b) If a certificate of release, nonattachment, discharge or subordination of any tax lien is presented to the Secretary of State for filing he shall

(1) Cause a certificate of release or nonattachment to be marked, held and indexed as if the certificate were a termination statement within the meaning of the Uniform Commercial Code, except that the notice of lien to which the certificate relates shall not be removed from the files, and

(2) Cause a certificate of discharge or subordination to be held, marked and indexed as if the certificate were a release of collateral within the meaning of the Uniform Commercial Code.

(c) If a refiled notice of federal tax lien referred to in subdivision (a) or any of the certificates or notices referred to in subdivision (b) is presented for filing with a county recorder, he shall accept for filing, file for record in the manner set forth in Section 27320 of this code, and index the document by the name of the taxpayer in the general index.

(d) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file, on the date and hour stated therein, any notice of federal tax lien or certificate or notice affecting the lien, filed on or after January 1, 1968, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for a certificate is two dollars ($2). Upon request the filing officer shall furnish a copy of any notice of federal tax lien or notice or certificate affecting a federal tax lien for a fee of one dollar ($1) per page.

7203. Upon request of any person, the Secretary of State shall issue a combined certificate showing the information as to financing statements as specified in Section 9407 of the Commercial Code and the information as to federal tax liens as specified in subdivision (d) of Section 7202 of this code. The fee for such a combined certificate is five dollars ($5).

When a certificate is requested from the Secretary of State as to a name which appears to be other than the name of an individual, the Secretary of State shall construe the request as one for a combined certificate pursuant to this section unless the request is specifically limited to a request for a certificate as to federal tax liens.

7204. The fee for filing and indexing each notice of lien or certificate or notice affecting the tax lien, whether filed for record in the office of the county recorder or filed in the office of the Secretary of State, is two dollars ($2).

The officer shall bill the district directors of internal revenue on a monthly basis for fees for documents filed by them.

7205. Filing officers with whom notices of federal tax liens, certificates and notices affecting such liens have been filed on or before January 1, 1968, shall, after that date, continue to maintain a file labeled "federal tax lien notices filed prior to January 2, 1968" containing notices and certificates filed in numerical order of receipt. If a notice of lien was filed on or before January 1, 1968, any certificate or notice affecting the lien shall be filed in the same office.

7206. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact the Uniform Federal Tax Lien Registration Act drafted by the National Conference of Commissioners on Uniform State Laws or the substance of that act.

7207. This chapter may be cited as the Uniform Federal Tax Lien Registration Act.

SEC. 2. Section 27330 of the Government Code is repealed.

SEC. 3. Section 27330 is added to the Government Code, to read:

27330. On or before January 1, 1968, notices of liens for internal revenue taxes payable to the United States and certificates of release, discharge, subordination or nonattachment of such liens shall be filed in the office of the county recorder of the county within which the property subject to the lien is situated. On or after January 2, 1968, such notices and certificates shall be filed in the manner specified in Chapter 14 (commencing with Section 7200) of Division 7 of Title 1 of this code.

Certificates of redemption issued by the United States pursuant to the Federal Tax Lien Act of 1966 shall be recorded in the office of the county recorder of the county within which the property is situated.

Any of the documents referred to in this section and including a release of right of redemption issued by the United States may be filed or recorded without acknowledgment or further proof.

SEC. 4. Section 27331 of the Government Code is repealed.

SEC. 5. Section 27332 of the Government Code is repealed.

SEC. 6. The repeal of Sections 27331 and 27332 of the Government Code by Sections 4 and 5 of this act shall supersede the repeal of Sections 27331 and 27332 of the Government Code by Chapter 79 of the Statutes of the 1967 Regular Session of the Legislature, and the repeal of such sections by Chapter 79 shall have no force and effect. Sections 4 and 5 of this act shall be operative on and after January 1, 1968.

CHAPTER 1069

An act to amend Sections 5011, 5014, 5015, and 9261 of the Vehicle Code, relating to cemetery equipment.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 5011 of the Vehicle Code is amended to read:

5011. Every piece of special construction equipment and every piece of cemetery equipment as described in Section 4012 shall display an identification plate attached thereto.

SEC. 2. Section 5014 of the Vehicle Code is amended to read:

5014. An application for an identification plate for special construction, cemetery, or mobile equipment shall include the following:

(a) A statement by the owner of the use or uses which he intends to make of the equipment.

(b) A description of the vehicle, including any distinctive marks or features.

(c) A photograph of the vehicle.

(d) Such other information as may reasonably be required by the department to determine whether the applicant is entitled to be issued an identification plate.

When identification plates are to be obtained for more than one piece of equipment, each of which is of the same identical type, only one photograph of one piece shall be required to be attached to the application.

SEC. 3. Section 5015 of the Vehicle Code is amended to read:

5015. The application for an identification plate for special construction equipment and cemetery equipment shall be made before any such piece of equipment is moved over the highway.

SEC. 4. Section 9261 of the Vehicle Code is amended to read:

9261. A service fee of five dollars ($5) shall be paid for an identification plate for special construction, cemetery, or mobile equipment. Publicly owned special construction equipment and publicly owned special mobile equipment are exempt from the service charge.

CHAPTER 1070

An act to add Article 17 (commencing with Section 925) to Chapter 2 of Part 1 of Division 2 of, and to add Article 8 (commencing with Section 1830) to Chapter 1 of Division 2.5 of, the Welfare and Institutions Code, relating to work furloughs.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Article 17 (commencing with Section 925) is added to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, to read:

Article 17. Work Furloughs

925. The provisions of this article shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of juvenile detention facilities, and other pertinent circumstances, that the operation of this article in that county is feasible. In such ordinance the board shall prescribe whether the probation officer or any official in charge of a county juvenile detention facility shall perform the functions of the juvenile work furlough administrator. The board of supervisors may also terminate the operativeness of this article in the county if it finds by ordinance that, because of changed circumstances, the operation of this article in that county is no longer feasible.

926. When a minor is adjudged a ward of the juvenile court and committed to a county juvenile home, ranch, camp, or forestry camp, the juvenile work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of Section 928, or may authorize the person to secure employment for himself in the county, unless the court at the time of commitment has ordered that such person not be granted work furloughs.

927. If the juvenile work furlough administrator so directs that the minor be permitted to continue in his regular employment, the administrator shall arrange for a continuation of such employment so far as possible without interruption. If the minor does not have regular employment, and the administrator has authorized the minor to secure employment for himself, the minor may do so, and the administrator may assist him in doing so. Any employment so secured must be suitable for the minor. Such employment must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment be permitted where there is a labor dispute in the establishment in which the minor is, or is to be, employed.

928. Whenever the minor is not employed and between the hours or periods of employment, he shall be confined in a juvenile detention facility unless the court or administrator directs otherwise.

929. The earnings of the minor shall be collected by the juvenile work furlough administrator, and it shall be the duty of the minor's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. When an employer transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the minor for such earnings. From such earnings the administrator shall pay the minor's board and personal expenses, both inside and outside the juvenile detention facility and shall deduct so much of the costs of administration of this article as is allocable to such minor. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the minor, pay, in whole or in part, the preexisting debts of the minor. Any balance shall be retained until the minor's discharge and thereupon shall be paid to him.

930. In the event the minor violates the conditions laid down for his conduct, custody, or employment, the juvenile work furlough administrator may order termination of work furloughs for such minor.

SEC. 2. Article 8 (commencing with Section 1830) is added to Chapter 1 of Division 2.5 of the Welfare and Institutions Code, to read:

Article 8. Work Furloughs

1830. The Director of the Youth Authority may, with approval of the Youth Authority Board, conduct or discontinue a work furlough rehabilitation program, in accordance with

the provisions of this article, for appropriate classes of wards at one or more Youth Authority institutions. He may designate any officer or employee of the department to be the Youth Authority work furlough administrator and may assign personnel to assist the administrator.

1831. When a person is committed to a facility under the jurisdiction of the Youth Authority, the Youth Authority work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of Section 1833, or may authorize the person to secure employment for himself in the county, unless the court at the time of commitment has ordered that such person not be granted work furloughs.

1832. If the Youth Authority work furlough administrator so directs that the ward be permitted to continue in his regular employment, the administrator shall arrange for a continuation of such employment so far as possible without interruption. If the ward does not have regular employment, and the administrator has authorized the ward to secure employment for himself, the ward may do so, and the administrator may assist him in doing so. Any employment so secured must be suitable for the ward. Such employment must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment be permitted where there is a labor dispute in the establishment in which the ward is, or is to be, employed.

1833. Whenever the ward is not employed and between the hours or periods of employment, he shall be confined in a detention facility unless the court or administrator directs otherwise

1834. The earnings of the ward shall be collected by the Youth Authority work furlough administrator, and it shall be the duty of the ward's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. When an employer transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the ward for such earnings. From such earnings the administrator shall pay the ward's board and personal expenses, both inside and outside the detention facility, and shall deduct so much of the costs of administration of this article as is allocable to such ward. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the ward, pay, in whole or in part, the preexisting debts of the ward. Any balance shall be retained until the ward's discharge and thereupon shall be paid to him.

1835. In the event the ward violates the conditions laid down for his conduct, custody, or employment, the Youth Authority work furlough administrator may order termination of work furloughs for such minor.

CHAPTER 1071

An act to add Section 75.8 to the Streets and Highways Code, relating to cooperation between rapid transit districts and the Department of Public Works.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 75.8 is added to the Streets and Highways Code, to read:

75.8. The department and all rapid transit districts shall consult and cooperate with each other with respect to the planning of rapid transit routes, lines, corridors, and facilities in their relation to freeway and highway planning within the territory of the rapid transit district. The department shall inform the rapid transit districts of all proposed changes in the highway or freeway locations which may affect the planning for public transportation of rapid transit districts.

CHAPTER 1072

An act to amend Section 11580.2 of the Insurance Code, relating to uninsured motorists.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code insuring the insured, his heirs or his legal representative for all sums within such limits which

he or they, as the case may be, shall be legally entitled to recover as damages for bodily injury or wrongful death from the owner or operator of an uninsured motor vehicle. The insurer and any named insured may by agreement in writing delete the provision covering damage caused by an uninsured motor vehicle. Such deletion by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply. A policy shall be excluded from the application of this section if the only coverage with respect to the use of any motor vehicle is limited to the contingent liability arising out of the use of nonowned motor vehicles.

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder or refuses to admit coverage thereunder except conditionally or with reservation, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying,

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawlertreads or while located for use as a residence or premises and not as a vehicle, or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the in-

sured and the insurer or, in the event of disagreement, by arbitration. The provisions of Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure shall be applicable to such determinations, and all rights, remedies, obligations, liabilities and procedures set forth in said Article 3 shall be available to both the insured and the insurer at any time after the accident, both before and after the commencement of arbitration, if any, with the following limitations:

(1) Wherever in said Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the Superior Court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of said Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under said Article 3 with respect to the same accident, subject, however, to the right of such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a) (4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b) (2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(f) The insurer paying a claim under an uninsured motorist endorsement or coverage shall be entitled to be subrogated to the rights of the insured to whom such claim was paid against any person causing such injury or death to the extent that payment was made. Such action may be brought within three years from the date that payment was made hereunder.

(g) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(h) No cause of action shall accrue to the insured under any policy or endorsement provision issued pursuant to this section unless within one year from the date of the accident:

(1) Suit for bodily injury has been filed against the uninsured motorist, in a court of competent jurisdiction, or

(2) Agreement as to the amount due under the policy has been concluded, or

(3) The insured has formally instituted arbitration proceedings.

CHAPTER 1073

An act to amend Sections 14.16, 14.17, 15, and 15.1 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961), relating to the Kern County Water Agency.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 14.16 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961) is amended to read:

Sec. 14.16. All the taxes collected pursuant to Section 14.14 of this act shall be expended only for the payment of bond principal and interest or only for the improvement district projects for which levied, except that any surplus tax proceeds levied otherwise than for payment of bond principal and interest which remain after the completion of any improvement district project for which levied shall be transferred to the bond interest and redemption fund of such improvement district, if any, otherwise to the agency's general fund.

SEC. 2. Section 14.17 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961) is amended to read:

Sec. 14.17. For the purpose of any tax levied under Section 14.14 of this act the properties within any improvement district shall be deemed to be equally benefited.

SEC. 3. Section 15 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961) is amended to read:

Sec. 15. (a) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work of improvement for the benefit of any member unit, as determined in any agreement between the agency and the member unit, or for the benefit of any improvement district, it may determine and declare by resolution the amount of bonds necessary to be issued in each such member unit or improvement district affected for such work of improvement. The board shall cause a copy of the resolution duly certified by the clerk to be filed for record in the office of the Recorder of Kern County if the improvement is for the benefit of an improvement district and with the governing board of such member unit if the improvement is for the benefit of any member unit.

(b) After such resolution has been filed, the board shall call a special bond election in each said member unit or improvement district to submit to the qualified electors of each such member unit or improvement district the question whether or not bonds shall be issued in the amount and for the purposes stated in the resolution.

(c) The special bond election shall be called by ordinance and the board shall submit to the qualified electors of each member unit or improvement district, the proposition of incurring a bonded debt in the member unit or member units or improvement district in the amount and for the purposes stated in the resolution and shall recite therein the purposes for which the indebtedness is proposed to be incurred, except that it shall be sufficient to give a brief, general description of such purposes, and refer to the copy of the resolution on file with the office of the Recorder of Kern County or with the governing body of the member unit. The ordinance may state that no bonds authorized at the election will be sold until contracts have been executed with member units within the area to be benefited by the improvement which will provide for payments by such member units to the agency sufficient to pay the principal and interest on any such bonds issued. If such a provi-

sion is included in the ordinance, no bonds authorized at the election shall be issued until such contracts have been executed. The ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness and shall fix the date on which the special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on the indebtedness shall not exceed six and one-half percent (6½%) per annum. For the purposes of the election, the board shall establish special bond election precincts within the boundaries of each member unit or improvement district and may form election precincts by consolidating the precincts established for general elections in the agency, not to exceed six general precincts for each such special bond election precinct. In addition, the ordinance shall designate a polling place and appoint one inspector, one judge and one clerk for each special bond election precinct.

The special bond election shall be held as nearly as practicable in conformity with the general election laws of the state except as otherwise provided in this act.

The board shall cause a map or maps to be prepared covering a general description of the work to be done, which map shall show the location of the proposed works and improvements and shall cause the map to be posted in a prominent place in the office of the agency and the office of the governing body of the member unit affected, if such bonds are for an improvement for the benefit of any member unit, for public inspection at least thirty (30) days before the date of the election.

Said ordinance calling for the special bond election shall be published prior to the date set for such election in a newspaper of general circulation, circulated in the improvement district or member unit or member units affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of the ordinance must be at least fourteen (14) days before the election, and if there be no such newspaper, then the ordinance shall be posted in five public places designated by the board in the improvement district and in each said affected member unit for at least thirty (30) days before the date of the election. No other notice of election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of the special bond election shall not affect the validity of the bonds authorized by said election. If at such election three-fifths (⅗) of the votes cast are in favor of incurring such bonded indebtedness then bonds for such improvement district or member unit for the amount stated in the proceedings shall be issued and sold as provided in this act.

SEC. 4. Section 15.1 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961) is amended to read:

Sec. 15.1. The board shall prescribe by resolution the form of the bonds which shall include a designation of the improvement district or member units affected, and the form of the interest coupons attached to the bonds. Said bonds shall be payable annually or semiannually, at the discretion of the board, at a day and at a place designated in the bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness is paid.

The board may divide the principal amount of any issue into two or more series, and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than five years from the date of issuance, for the earliest maturity of each issue or series of bonds. The final maturity date shall not exceed forty (40) years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denominations as the board may determine, and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six and one-half percent ($6\frac{1}{2}\%$) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the secretary of said agency and the seal of said agency shall be affixed thereto by the secretary of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said secretary by his printed, engraved, or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

CHAPTER 1074

An act to amend Section 1104.3 of the Insurance Code, relating to insurers transactions.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 1104.3 of the Insurance Code is amended to read:

1104.3. For the purpose of preventing the unfair use of information which may have been obtained by any beneficial owner of an insurer, or director or officer thereof, described in Section 1104.2, by reason of his relationship to such insurer, any profit realized by him from any purchase and sale, or any sale and purchase, of any stock of such insurer within any period of less than six months, unless such stock was acquired in good faith in connection with a debt previously contracted, shall inure to, and be recoverable by, the insurer, irrespective of the intent of the beneficial owner, director or officer who entered into the transaction of holding the stock purchased or not repurchasing the stock sold for a period exceeding six months. Suit to recover such profit may be instituted at law or in equity in any court of competent jurisdiction by the insurer or by the owner of any stock of the insurer in the name of and on behalf of the insurer if the insurer shall fail or refuse to bring such suit within 60 days after request or shall fail diligently to prosecute the same thereafter; but no such suit shall be brought more than two years after the date such profit was realized. This section shall not be construed to cover any transaction where a beneficial owner was not such both at the time of the purchase and sale, or the sale and purchase, of the stock involved, or any transaction or transactions which the commissioner may by rules and regulations exempt as not within the scope of this section or Section 1104.2.

CHAPTER 1075

An act to amend Section 8276 of the Fish and Game Code, relating to the taking of crabs.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 8276 of the Fish and Game Code is amended to read:

8276. Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 1st and July 15th.

(b) Crabs may be taken in all other districts only between the second Tuesday in November and June 30th.

(c) Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

This section shall remain in effect until the 61st day after the final adjournment of the 1969 Regular Session of the Legislature.

CHAPTER 1076

An act to add Section 1246.2 to the Code of Civil Procedure, relating to the allocation of awards in eminent domain proceedings.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 1246.2 is added to the Code of Civil Procedure, to read:

1246.2. Where the property acquired for a public use is encumbered by a mortgage or deed of trust, the amount payable to the mortgagee or beneficiary under the deed of trust shall not include any penalty for prepayment.

CHAPTER 1077

An act to amend Section 3075 of the Business and Professions Code, relating to the practice of optometry.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 3075 of the Business and Professions Code is amended to read:

3075. (a) Each holder of a certificate of registration or a certification of issuance of his certificate of registration shall keep it conspicuously posted in his office or place of practice at all times.

(b) The board may, by rule or regulation, provide that, when the holder of a certificate of registration has more than one office or place of practice or is employed to practice optometry in more than one office or place of practice and it is infeasible to have his certificate of registration or a certification of issuance of his certificate of registration posted in more than one of such offices or places of practice, he shall have such other evidence as may be prescribed by the board that he is licensed to practice optometry in California conspicuously posted in each of such additional offices or places of practice which he has or where he is employed to practice optometry.

CHAPTER 1078

An act to amend Section 4089 of the Business and Professions Code, relating to pharmacists.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 4089 of the Business and Professions Code is amended to read:

4089. Each applicant for the written and practical examination given by the board as specified in subdivision (d) of Section 4085 and each applicant for registration as a registered pharmacist shall be of good moral character and temperate habits and shall be a citizen of the United States, or, shall be a lawful permanent resident. A license issued to a person not a citizen of the United States, shall terminate and become void at the end of seven years from the date of issuance if such person has not then become a citizen. A license so terminated may be reissued by the board at any time thereafter upon evidence of citizenship and an explanation of the delay satisfactory to the board. If citizenship is later denied to any person registered under this chapter, then such denial of citizenship shall automatically cancel all such registration and privileges.

CHAPTER 1079

An act to amend Section 43610.1 of the Government Code, and to amend Section 33630 of the Health and Safety Code, relating to bonds.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 43610.1 of the Government Code is amended to read:

43610.1. The ordinance may provide that the estimated cost stated therein of the public improvements includes any or all of the following:

(a) Legal or other fees incidental to or connected with the authorization, issuance and sale of the bonds.

(b) The costs of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of the bonds.

(c) If the public improvements are revenue-producing public works, bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

If such statement is made, the proceeds of the sale of the bonds may be used to pay such of the foregoing as are stated in the ordinance.

This section shall not be construed to authorize a city to use the proceeds of the sale of bonds for a purpose for which it could not use its general fund.

SEC. 2. Section 33630 of the Health and Safety Code is amended to read:

33630. The community may issue and sell its general obligation bonds for any or all of the following purposes: raising money to be deposited in the redevelopment revolving fund, or providing funds with which to redeem before maturity, retire at maturity, or purchase agency bonds issued under Article 5 (commencing with Section 33640) of this chapter. General obligation bonds issued pursuant to this article may be authorized and issued in a principal amount sufficient to provide funds for the payment of any or all of the following:

(a) The estimated amount of money to be raised to be deposited in the redevelopment revolving fund.

(b) The principal amount of agency bonds proposed to be so redeemed, retired or purchased.

(c) The estimated amount of any premiums required to be paid in connection with the redemption or purchase of such agency bonds.

(d) The estimated amount of any due and unpaid interest or accrued interest on such agency bonds which must be paid at the time the same are redeemed, retired or purchased.

(e) The amount of interest on such general obligation bonds estimated to accrue during the period from the date thereof until the portion of taxes allocated to and paid into the special fund of the redevelopment agency under the provisions of Section 33670 pledged or to be pledged to the repayment of an advance to the agency for any purpose authorized by this article or by Article 3 (commencing with Section 33620) of this chapter equals the annual amount of the interest upon such bonds due and payable thereon in the next succeeding year, such period not to exceed 10 years from the date of such general obligation bonds or the first series thereof; provided, that such amount shall not include any interest estimated to accrue during any year for which interest on agency bonds proposed to be so redeemed, retired or purchased has been provided from the proceeds of sale of such agency bonds.

(f) The estimated amount of all expenses incidental to or connected with the redemption, retirement or purchase of such agency bonds and the authorization, issuance and sale of such general obligation bonds.

All agency bonds redeemed, retired or purchased with the proceeds of such general obligation bonds shall be canceled and shall not be reissued.

The legislative body may fix a date, not more than 10 years from the date of issuance of any such general obligation bonds, for the earliest maturity of each issue or series of such bonds.

CHAPTER 1080

An act to amend Sections 25000 and 25004 of the Business and Professions Code, relating to beer prices.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 25000 of the Business and Professions Code is amended to read:

25000. Each manufacturer, importer, and wholesaler of beer shall file and thereafter maintain on file with the department, in triplicate and in such form as the department may provide, a written schedule of selling prices charged by the licensee for beer sold and distributed by him to licensees, except that the transfer of beer between wholesalers who sell the same brand in package is permitted without filing the schedule of selling prices.

SEC. 2. Section 25004 of the Business and Professions Code is amended to read:

25004. Upon the filing of an original schedule of prices and after the effective date of any schedule of amendatory prices, all prices therein stated shall be strictly adhered to by the filing licensee, and any departure or variance therefrom by a licensee is a misdemeanor, except that the transfer of beer between wholesalers who sell the same brand in package is permitted without filing the schedule of selling prices. Each sale or transaction involving a violation of posted prices under this chapter is but a single offense or violation of this chapter regardless of the number of articles covered by the sale or transaction.

CHAPTER 1081

An act to add Section 19582.5 of the Education Code, relating to state school building aid.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 19582.5 is added to the Education Code, to read:

19582.5. Any building area excluded from the computation of adequate school building construction by adjustments made under Section 19582 shall not be subsequently included in com-

puting the area of adequate school construction by reason of its having been converted to usable instructional area used exclusively for vocational educational programs, provided the conversion was accomplished with federal or district funds, allocated specifically for that purpose, other than state apportionment funds or bond funds required to be contributed to the State School Building Aid Program.

CHAPTER 1082

An act to add Section 1662.5 to the Financial Code, relating to inventories of safe deposit boxes.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967]

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

SECTION 1. Section 1662.5 is added to the Financial Code, to read:

1662.5. Upon payment to the county treasurer of a fee not exceeding the sum of one dollar ($1), the following persons, and no others, are entitled to receive from the county treasurer a copy of the inventory:

(a) An executor of the decedent's will.

(b) The administrator of the decedent's estate.

(c) The attorney for the executor or administrator.

(d) A tenant of the safe deposit box.

(e) Any heir of the decedent or beneficiary under the decedent's will.

(f) Any person whom the superior court having jurisdiction by order directs should be allowed to obtain a copy of the inventory.

CHAPTER 1083

An act to add Section 11759 to the Insurance Code, relating to workmen's compensation insurance rating organizations.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967]

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

SECTION 1. Section 11759 is added to the Insurance Code, to read:

11759. The Legislature hereby finds and declares as follows: The Legislature pursuant to its plenary power over workmen's compensation granted by Section 21 of Article XX of the California Constitution has authorized classification of risks and premium rates and systems of merit rating for work-

men's compensation insurance. The selective and discretionary inspections of locations, plants and operations of employers for classification and rating purposes, the gathering and compiling of experience statistics and other data by rating organizations licensed by the Insurance Commissioner, and the application of standards predicated upon the reliability of such classifications and merit rating data are essential to the proper functioning of the classifications of risks and premium rates and systems of merit rating which are regulated by the Insurance Commissioner as authorized by the Legislature.

In order to implement and facilitate the proper and adequate administration of such classifications of risks and rates and systems of rating by such licensed rating organizations and the Insurance Commissioner, it is important and in the public interest that licensed rating organizations and their officers and employees shall not be liable for injury or death or other damage caused or alleged to have been caused by their failure to inspect, or negligent or incomplete inspection of, an employer's location, plant or operation for classification or rating purposes.

No licensed rating organization or member thereof in its character as a member, or officer or employee of such licensed rating organization when acting within the scope of his employment, shall be liable for injury or death or other damage proximately caused by a failure to inspect, or the manner or extent of inspection of, an employer's locations, plants or operations for classification or rating purposes, or by such person's comment, or failure to comment, on the subject matter or object of such inspection.

This section shall not be construed as implying the existence of liability in circumstances not defined in this section; nor as implying a legislative recognition that, except for the enactment of this section, a liability has existed or would exist in circumstances stated in this section.

CHAPTER 1084

An act to add Section 8961.9 to the Health and Safety Code, relating to public cemetery districts.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 8961.9 is added to the Health and Safety Code, to read:

8961 9. Notwithstanding any other provisions of this chapter, any veterans' association which owns at least 20 lots or plots within any cemetery of a district on July 1, 1967 may acquire 70 additional burial lots or plots within any cemetery of the district. Any additional lot or plot which is acquired by such a veterans' association may be used for the burial of any of its members whether or not such member is a resident of the district.

CHAPTER 1085

An act to amend Sections 3072 and 3073 of the Civil Code, relating to the sale of vehicles.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 3072 of the Civil Code is amended to read:

3072. Prior to any such sale the lienholder shall give at least 10 days but not more than 20 days notice of the sale by advertising for one issue in some newspaper of general circulation published in the county in which the property is situated. If there is no newspaper printed in such county, notice shall be given by posting notice of sale in three of the most public places in the town or place where the property is to be sold, for 10 days previous to the date of the sale. Prior to the sale of any vehicle to satisfy any such lien, 20 days notice by registered mail or registered mail, return receipt requested, shall be given to the legal owner and to the registered owner of the vehicle, if registered in this state, as the same appear in the registration certificate, and also to the Department of Motor Vehicles by registered mail or certified mail whether or not the vehicle is registered in this state. The department shall in like manner immediately notify the legal owner and the registered owner of the proposed sale, but failure on the part of the department to give such notice shall not affect the validity of the sale. All notices required in this chapter shall specify the make, the engine or vehicle identification number, and license number, if available, of the vehicle, and the date, time, and place of the sale. The proceeds of the sale shall be applied to the discharge of the lien and the cost of keeping and selling the property. The remainder, if any, shall be paid to the legal owner, if any, or to the owner if there is no legal owner, or if no legal owner can be located, the remainder shall be deposited with the department for deposit in the Motor Vehicle Fund.

SEC. 2. Section 3073 of said code is amended to read:

3073. When the lienholder can certify under penalty of perjury that the vehicle subject to the lien does not exceed one hundred dollars ($100), the lienholder may sell such ve-

hicle at public sale, upon the giving of notice as provided in this section. At least 10 days before the sale, the lienholder shall notify the legal owner, the registered owner, and the department by registered mail or registered mail, return receipt requested, of the time and place of the sale. At least 10 days before the sale, the lienholder shall also post a notice of the sale in a conspicuous place on the premises where the vehicle is stored, giving the date of the sale and a description of the vehicle, including the make, model, type, and license number.

CHAPTER 1086

An act to amend Sections 6006 and 6010 of the Revenue and Taxation Code, relating to sales and use tax exemptions.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 6006 of the Revenue and Taxation Code is amended to read:

6006. "Sale" means and includes:

(a) Any transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. "Transfer of possession," includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) The producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(c) The furnishing and distributing of tangible personal property for a consideration by social clubs and fraternal organizations to their members or others.

(d) The furnishing, preparing, or serving for a consideration of food, meals, or drinks.

(e) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(f) A transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

(g) Any lease of tangible personal property in any manner or by any means whatsoever, for a consideration, except a lease of:

(1) Motion picture, including television, films and tapes.

(2) Linen supplies and similar articles when an essential part of the lease agreement is the furnishing of the recurring service of laundering or cleaning the articles.

(3) Household furnishings with a lease of the living quarters in which they are to be used.

(4) Mobile transportation equipment for use in for-hire transportation of property in interstate or foreign commerce, such as railroad locomotives, trucks, truck tractors, truck trailers, dollies, bogies, chassis, and cargo shipping containers.

(5) Tangible personal property leased in substantially the same form as acquired by the lessor or leased in substantially the same form as acquired by a transferor, as to which the lessor or transferor has paid sales tax reimbursement pursuant to Section 6052 or has paid use tax measured by the purchase price of the property. For purposes hereof, transferor shall mean the following:

(A) A person from whom the lessor acquired the property in a transaction described in subdivision (b) of Section 6006.5.

(B) A decedent from whom the lessor acquired the property by will or the laws of succession.

SEC. 2. Section 6010 of the Revenue and Taxation Code is amended to read:

6010. "Purchase" means and includes:

(a) Any transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. "Transfer of possession," includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) When performed outside this state or when the customer gives a resale certificate pursuant to Article 3 of Chapter 2 of this part, the producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(c) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(d) A transfer for a consideration of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

(e) Any lease of tangible personal property in any manner or by any means whatsoever, for a consideration, except a lease of:

(1) Motion picture, including television, films and tapes.

(2) Linen supplies and similar articles when an essential part of the lease agreement is the furnishing of the recurring service of laundering or cleaning the articles.

(3) Household furnishings with a lease of the living quarters in which they are to be used.

(4) Mobile transportation equipment for use in for-hire transportation of property in interstate or foreign commerce, such as railroad locomotives, trucks, truck tractors, truck trailers, dollies, bogies, chassis, and cargo shipping containers.

(5) Tangible personal property leased in substantially the same form as acquired by the lessor or leased in substantially the same form as acquired by a transferor, as to which the lessor or transferor has paid sales tax reimbursement pursuant to Section 6052 or has paid use tax measured by the purchase price of the property. For purposes hereof, transferor shall mean the following:

(A) A person from whom the lessor acquired the property in a transaction described in subdivision (b) of Section 6006.5.

(B) A decedent from whom the lessor acquired the property by will or the laws of succession.

CHAPTER 1087

An act to add Article 4.6 (commencing with Section 1120) to Chapter 1 of Division 4 of Title 1 of the Government Code, relating to officers of public agencies.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Article 4.6 (commencing with Section 1120) is added to Chapter 1 of Division 4 of Title 1 of the Government Code, to read:

Article 4.6. Miscellaneous Financial Interests

1120. Members of governing bodies, boards and commissions of any local public agency shall disclose any direct personal financial interest other than proscribed by Articles 4 and 4.5 in any matter coming before such governing body, board or commission. Any member of a governing body, board or commission of any local public agency who knowingly fails to disclose such interest shall be guilty of misconduct in office.

CHAPTER 1088

An act to add Section 273 to the Penal Code, relating to adoptions.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 273 is added to the Penal Code, to read:

273. (a) It is a misdemeanor for any person or agency to offer to pay money or anything of value, or to pay money or anything of value, to a parent for the placement for adoption, for the consent to an adoption, or for cooperation in the completion of an adoption of his child. This section does not make it unlawful to pay the maternity-connected medical or hospital and necessary living expenses of the mother preceding and during confinement as an act of charity, as long as the payment is not contingent upon placement of the child for adoption, consent to the adoption, or cooperation in the completion of the adoption.

(b) It is a misdemeanor for any parent to obtain the financial benefits set forth in subdivision (a) with the intent to receive such financial benefits without completing the adoption or without consenting to the adoption.

CHAPTER 1089

An act to add Chapter 12.7 (commencing with Section 7050) to Division 7 of Title 1 of the Government Code, relating to the dedication of real property for public purposes.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Chapter 12.7 (commencing with Section 7050) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 12.7. DEDICATION OF REAL PROPERTY FOR PUBLIC PURPOSES

7050. With the consent of the city, county, or city and county as the case may be an irrevocable offer of dedication of real property for any public purpose, including but not limited to streets, highways, paths, alleys, including access rights and abutter's rights, drainage, open space, public utility or other public easements, parks, or other public places, may be made

pursuant to this section. Such offer of dedication shall be executed, acknowledged, and recorded in the same manner as a conveyance of real property. Such offer of dedication, when recorded in the office of the county recorder, shall be irrevocable and may be accepted at any time by the city council of the city within which such real property is located at the time of acceptance or, if located in unincorporated territory, by the board of supervisors of the county within which such real property is located.

Such offer of dedication may be terminated and the right to accept such offer abandoned in the same manner as is prescribed for the abandonment or vacation of streets or highways by Part 3 of Division 9 of or by Chapter 2 of Division 2 of the Streets and Highways Code, whichever is applicable. Such termination and abandonment may be by the city council of the city within which such real property is located, or, if located in unincorporated territory, by the board of supervisors of the county within which such real property is located.

The procedure prescribed by this section shall be alternative to any other procedure authorized by law.

CHAPTER 1090

An act to amend Sections 13521 and 13604 of the Education Code, relating to payment of wages to certificated and classified employees.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 13521 of the Education Code is amended to read:

13521. Each salary payment for any calendar month may be made on the last working day of the month and shall be paid not earlier than the last working day of the month and not later than the fifth day of the succeeding calendar month except that teachers employed for less than full time in classes for adults, in a day or evening high school, in a day or evening junior college, or in a special day or evening class maintained in connection with an elementary school may be paid on or before the 10th day of the succeeding calendar month.

If the school district provides for the payment of the salary of employees employed in positions requiring certification qualifications once each two weeks, or once each four weeks, pursuant to Section 13517, each salary payment may be made on the last working day of the payroll period and shall be made not earlier than the last working day of the payroll period and not later than the eighth working day of the following payroll period.

This section shall not prohibit a school district from making a payment of earned salary prior to the last working day of the month or payroll period.

SEC. 2. Section 13604 of the Education Code is amended to read:

13604. Orders for the payment of wages and payroll orders and warrants for the payment of wages of employees a part of the classified service in any public school system shall be drawn at least once during each calendar month, for those districts not using the provisions of Section 21114 of this code, on days designated by the governing board of each school district. Such payment may be made on the last working day of the month in which the labor was performed and shall be made not earlier than the last working day of the month in which the labor was performed and not later than the 10th day of the calendar month following the month in which the labor was performed for which payment is to be made.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

This section shall not prohibit a school district from making a payment of earned salary prior to the last working day of the month or payroll period.

CHAPTER 1091

An act to amend Sections 14251, 14401 and 14405 of, and to add Sections 14250 and 14401.2 to, the Education Code, relating to state teachers' retirement.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 14250 is added to the Education Code, to read:

14250. A member may at any time nominate a beneficiary or beneficiaries to receive such benefits as may be payable to his beneficiary or estate under this chapter by a written instrument executed by the member and witnessed by one witness, who shall not be a beneficiary. Such instrument must be received by the retirement system before the member's death. The nomination of the beneficiary under the retirement system, other than nominations under Options 2 and 3 in Section 14363 or under Section 14365 may be revoked at the pleasure of the person making the nomination, and a different beneficiary nominated as herein provided.

SEC. 2. Section 14251 of the Education Code is amended to read:

14251. Except as otherwise provided in Sections 14364, 14365, or 14366, upon receipt of proof of a member's death which occurred before the effective date of his retirement or after said date but before the date upon which the warrant for his first retirement allowance is mailed, including a warrant for an advance payment as permitted by Section 14128, and within four months after the termination of the member's employment in a status requisite for membership in this retirement system, or while the member was physically or mentally incapacitated for performance of his duty, if such incapacity had been continuous from said termination, there shall be paid to such beneficiary or beneficiaries as he has nominated:

(a) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(b) The accumulated contributions standing to the credit of his individual account in the Retirement Annuity Fund.

(c) Any moneys standing to the credit of his individual account in the Annuity Deposit Fund pursuant to Section 13906 or Section 14107.1, together with the interest accumulated thereon.

(d) An amount, provided from contributions by the state, and payable from the Retirement Annuity Fund, for each completed year of service as a member, not to exceed six and excluding those years of service with respect to which contributions have been refunded and the member had not elected to redeposit pursuant to Section 14155, equal to one-twelfth of the salary which would have been earned by the member at the rate of salary at which he was last employed preceding death, assuming engagement in duties for the number of schooldays during the school year in which said employment existed. If the last employment preceding death was less than full time, the salary used under this subdivision shall be the salary earned and used in the calculation of contributions in the last preceding year. From the amount determined under the preceding sentences, there shall be deducted an amount equal to that portion of the benefit payable on account of said death by a local retirement system or the State Employees' Retirement System, which is provided from contributions of the employer, and is in addition to the portion of the benefit payable by said systems which is made up of the accumulated contributions of the member, and independently of any optional election made by said person at the time of his retirement, under which he received a reduced retirement allowance and a benefit was provided at his death.

(e) The accumulated shelter contributions standing to the credit of his account.

SEC. 3. Section 14401 of the Education Code is amended to read:

14401. Whenever nomination of a beneficiary is authorized by this chapter (commencing at Section 13801), and no beneficiary has been nominated or such nomination has been revoked as hereinafter provided, the estate of the person authorized to make the nomination shall be the beneficiary. The nomination of a beneficiary under the retirement system, other than nominations under Options 2 and 3 in Section 14363 or under Section 14365, may be revoked at the pleasure of the person making the nomination. A member's marriage, divorce, annulment of marriage or the termination of membership shall constitute a revocation of his previous designation of beneficiary or beneficiaries. Any designation of beneficiary in effect on October 1, 1967, which was filed prior to the occurrence of any of the conditions specified herein shall become void on October 1, 1967.

After revocation or voidance of any beneficiary designation, a member may designate the same or another beneficiary or beneficiaries by a writing according to the procedure in Section 14250.

SEC. 4. Section 14401.2 is added to the Education Code, to read:

14401.2. If after nomination of his child or children as a beneficiary or beneficiaries a married member has issue of his marriage and such after-born child survives the member, or is born after his death, such child shall receive an equal share with those children named as such beneficiaries unless the member declares in a writing filed with the retirement system that such after-born child is intentionally excluded as a beneficiary; and no other evidence to rebut the presumption of such revocation can be received.

Children of a deceased child (such child being a designated beneficiary or such after-born beneficiary) of the member shall receive, share and share alike, the share that such child would have received were he living at the date of the member's death.

Payment pursuant to the board's determination in good faith upon evidence satisfactory to it of the existence, identity or other facts relating to entitlement of persons under this section shall constitute a complete discharge of and release of the system from liability for the benefit so paid.

This section shall become operative October 1, 1967.

SEC. 5. Section 14405 of the Education Code is amended to read:

14405. If any person entitled to a benefit from the system is a minor who has no guardian of his estate, the benefit not to exceed two thousand dollars ($2,000) may be paid to the person entitled to the custody of the minor to hold for the

minor, upon the written statement, duly acknowledged and verified, of the person that the total estate of the minor does not exceed two thousand five hundred dollars ($2,500) in value. The payment shall be full and complete discharge and acquittance of the board and system. The person shall account to the minor for the money when the minor reaches the age of majority.

CHAPTER 1092

An act to amend Section 14202 of the Education Code, relating to state teachers retirement.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 14202 of the Education Code is amended to read:

14202. The county superintendent of schools of each county shall certify to the Retirement Board, on or before the 15th of each May and December:

(a) The number of members of the system who appear on the March and October payrolls of the respective school districts in the county, or who, during March and October were on leave of absence granted for service included in Section 14061 and

(b) The number of his deputies and certificated employees, including himself, who are members of the system and appear on the March and October payrolls.

CHAPTER 1093

An act to amend Sections 13862, 13904, 13954, 14127.1, 14151, 14153, 14154, 14155, 14309.1, 14355, 14366, 14367, 14369 and 14371 of, and to repeal Sections 13968, 14102, 14260, 14303.1 and 14313 of, the Education Code, relating to state teacher retirement.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 13862 of the Education Code is amended to read:

13862. The board shall subpoena witnesses and compel their attendance to testify before it. Each member of the board may administer oaths and affirmations to witnesses and others transacting business of the retirement system.

SEC. 2. Section 13904 of the Education Code is amended to read:

13904. The retirement board may authorize the transfer and disbursement of funds upon the signature of either or both its chairman and vice chairman or the executive officer or any employee of the system designated by the executive officer.

SEC. 3. Section 13954 of the Education Code is amended to read:

13954. All teachers employed in the public schools of this state who claimed exemption but who have elected not to be exempt, are members of the system.

SEC. 4. Section 13968 of the Education Code is repealed.

SEC. 5. Section 14102 of the Education Code is repealed.

SEC. 6. Section 14127.1 of the Education Code is amended to read:

14127.1. The obligations of any member to this system continue throughout his membership, and thereafter until all of the obligations of this system to or in respect to him have been discharged. For the purposes of payments into or out of the retirement fund for adjustments of errors or omissions, whether pursuant to Sections 14151, 14251, 14256, or otherwise, the period of limitation of actions otherwise applicable shall not be deemed to commence or to have commenced to run until the error or omission has been discovered, as evidenced by the filing with this system of a claim or demand against this system or by the making of a claim or order for payment by this system against the former member, retired member, member or his beneficiary. In all cases where errors or omissions have been discovered prior to the effective date of this section, adjustment by payment into or out of the retirement fund shall be made, or action therefor instituted, within one year after the effective date of this section.

SEC. 7. Section 14151 of the Education Code is amended to read:

14151. Upon the termination of a member's employment by any cause other than death or retirement there shall be paid to him, or if no other benefits are payable under this chapter upon the death of a member, there shall be paid to the beneficiary nominated by the deceased member:

(a) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(b) The accumulated annuity contributions standing to the credit of his individual account in the Retirement Annuity Fund.

(c) Any moneys standing to the credit of his individual account in the Annuity Deposit Fund pursuant to Section 13906 or Section 14107.1, together with the interest accumulated thereon.

(d) The shelter contributions standing to the credit of his individual account, together with credited interest if he has

made such contributions for more than five (5) years, but otherwise without credited interest.

SEC. 8. Section 14153 of the Education Code is amended to read:

14153. If a member ceases to be entitled to credit for service in this system because he has become entitled to credit for such service in another retirement system supported wholly or in part by funds of the United States government, or any state government or political subdivision thereof, except a local system, he shall be entitled to a refund of the contributions paid the Teachers' Permanent Fund after July 1, 1935 without interest except for such interest as was paid by the member, and the contributions paid the Retirement Annuity Fund with interest, on account of such service.

SEC. 9. Section 14154 of the Education Code is amended to read:

14154. The retirement board shall withhold for four months payment of contributions upon termination of employment, if the person to whom the contributions are payable previously had been paid contributions and had again become a member within one year after the termination of the prior employment in a status requisite for membership.

SEC. 10. Section 14155 of the Education Code is amended to read:

14155. If a person whose contributions have been returned reenters the system he may elect to redeposit the contributions, excluding shelter contributions, returned to him after he has rendered two years of creditable service subsequent to his reentry. Such redeposit shall include interest at the rates currently being used from time to time to credit interest on contributions to the Retirement Annuity Fund. For time prior to July 1, 1944, the interest shall be at 2½ percent compounded annually. Redeposit may be made in installments in accordance with such rules and regulations as may be established by the retirement board.

The election to redeposit withdrawn contributions as provided by this section shall be extended to all persons who withdrew contributions prior to October 1, 1961, and who have not redeposited prior to that date, provided that an election to redeposit such contributions was not available at the time of reentry to membership.

Upon reentry to membership the person's rate of contributions shall be the rate applicable to his age on the date of reentry. If he elects to redeposit contributions, as provided in this section, his rate of contributions on service rendered subsequent to the first of the month following the date such election is received in the retirement office shall be the rate applicable to the age attained by deducting the period from the date of refund to the date of reentry from the exact age attained at the time of reentry.

If the member dies after he has rendered six months of service subsequent to his reentry to membership, and before

making an election with respect to the redeposit of the refunded contributions, the service upon which such contributions were based and the service rendered after his reentry shall be included in the determination of the benefits payable under Sections 14251 and 14256.

Redeposit of contributions under this section may be adjusted by amounts arising from erroneous application of rate of contribution or other contribution errors.

SEC. 11. Section 14260 of the Education Code is repealed.

SEC. 12. Section 14303.1 of the Education Code is repealed.

SEC. 13. Section 14309.1 of the Education Code is amended to read:

14309.1. If, prior to attaining the age of 55 years, a person who is entitled to receive a retirement allowance because of his retirement for disability, engages in a gainful occupation not in a status requisite for membership in the retirement system, the board shall reduce before any modification in the allowance made because of an option elected pursuant to Section 14363 the portion of his monthly retirement allowance which is not provided by his accumulated contributions, to an amount, which when added to the compensation earned monthly by him, shall not exceed the amount of the compensation which would be earnable by a person holding the same or an equal position as or to that which he held at the time of his retirement, and in the same salary step or rating, or if no such position then exists such compensation earnable immediately prior to its abolition. If his earnings are further altered, the board shall further alter such portion of his retirement allowance to the lower of the following amounts:

(a) The amount of such portion of his retirement allowance as it would be if not reduced under this section.

(b) An amount which, when added to the compensation earned by him, shall equal the amount of the compensation which would be earnable by a person holding the same or an equal position as or to that which he held at the time of his retirement, and in the same salary step or rating, or if no such position then exists, such compensation earnable immediately prior to its abolition.

For purposes of this section the retirement allowance subject to adjustment shall be considered to be the unmodified allowance irrespective of the option elected.

When he attains the age of 55 years, his retirement allowance shall be made equal to the amount it would be if not reduced under this section, and shall not again be modified under this section.

SEC. 14. Section 14313 of the Education Code is repealed.

SEC. 15. Section 14355 of the Education Code is amended to read:

14355. Upon retirement for service, a retired member shall receive a retirement allowance which shall consist of:

(a) A monthly retirement salary derived from the Permanent Fund, equal to the fraction of an amount which bears

the same ratio to fifty dollars ($50) as the number of years of service credited, not to exceed 30 years, bears to 30 years, set forth in Section 14359, opposite his age at retirement, taken to the preceding completed quarter year, in the column applicable to his sex.

(b) A retirement annuity derived from the Retirement Annuity Fund based upon the number of years of service credited to him, less any service for which he is entitled to receive retirement benefits under a local retirement system, computed pursuant to Section 14359.

(c) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement.

(d) A "shelter annuity" which shall be the actuarial equivalent of the accumulated shelter contributions standing to the credit of his individual account at the time of his retirement.

Such retirement allowance, prior to modification under options in Section 14363, and exclusive of the annuity derived from accumulated annuity deposits, shall be at least an amount, by increase in the annuity under the Retirement Annuity Fund, based on service rendered prior to July 1, 1944, which, when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall equal the retirement allowance prior to optional modification, to which the person would be entitled under this system if he were not entitled to any allowance from a local retirement system, minus one-half the retirement annuity on account of service rendered after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions. However, no amount shall be paid under this paragraph to any retired person who has the right to receive a retirement allowance from a local retirement system upon his subsequent attainment of a minimum age after the retired person attains that minimum age unless he affirmatively exercises his right to receive the retirement allowance from the local retirement system, and if such a retired person does so exercise his right, only if some amount is then payable under this paragraph.

SEC. 16. Section 14366 of the Education Code is amended to read:

14366. Upon the death before retirement of a member who is qualified for service retirement under subsection (a) of Section 14301, and on account of whose death the benefit provided by Section 14251 is otherwise payable, or who could have qualified for service retirement under subsection (b) of Section 14301 at the time of his death, a monthly allowance equal to one-half of the monthly retirement allowance prior to modification under options in Section 14363, which the member would have been entitled to receive if he had retired for service on the date of his death, shall be payable:

(a) To the member's widow, or to the member's widower who was receiving at least one-half of his support from the

member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death; provided, such widow or widower does not qualify for an allowance under Section 14365; or

(b) If there is no qualifying surviving spouse, or if such spouse dies or remarries, to unmarried children, including dependent stepchildren, of the member, who are under 18 years of age.

The allowances payable under this section shall be in lieu of the death benefit provided by Section 14251 or by Section 14151, except for the accumulated annuity deposits and accumulated shelter contributions included therein, but a person qualifying for the allowance or such person's guardian may elect, before the first payment on account of it, to receive such death benefit in lieu of the allowance. The member's accumulated annuity deposits and accumulated shelter contributions shall be paid to the person qualifying for the allowance, and the remainder of the accumulated contributions of the member shall be applied toward providing the allowance, and the balance not so provided shall be payable from state contributions.

If the guardian of one or more children otherwise eligible to receive the allowance elects that such death benefit be paid in lieu thereof, there shall be paid to each such child an amount equal to what said child would have received as an allowance hereunder had the election not been made (disregarding interest and the probability of death or marriage), and under the assumption that each monthly allowance would have been divided equally among such unmarried children then under age 18, said amounts to be reduced proportionately if their total would otherwise be in excess of the amount of such death benefit. Any balance of such death benefit remaining after such payments have been made shall be paid to the surviving spouse of the member, or if none, to the surviving children of the member, share and share alike.

SEC. 17. Section 14367 of the Education Code is amended to read:

14367. The allowance provided by Section 14366 shall be paid from the Retirement Annuity Fund, and shall begin to accrue on the day next following the date of death of the member, and payments to a surviving spouse shall continue only until death or remarriage, and to or on account of children with respect to each child, until the attainment of age 18 or prior marriage.

If payment of the allowance provided by Section 14366 is stopped because of remarriage of the surviving spouse, or the attainment of the age of 18 years by a child, before the sum of the monthly payments made, equals the death benefit provided by Section 14251, exclusive of accumulated annuity deposits and shelter contributions, a lump sum equal to the difference

shall be paid to the remarried spouse, or if there is no such spouse, to the surviving children of the member, share and share alike.

From the monthly allowance payable under Section 14366, there shall be deducted a total amount equal to that portion of the benefit payable on account of said death by a local retirement system, which is provided from contributions of the district operating said system, and is in addition to the portion of the benefit payable by said local system which is made up of the accumulated contributions of the member, and no monthly allowance shall be paid under this section until the total amount deducted equals said portion provided by district contributions.

SEC. 18. Section 14369 of the Education Code is amended to read:

14369. Upon retirement for disability, a member shall receive a retirement allowance which shall consist of:

(a) A retirement salary derived from the Permanent Fund, payable monthly, equal to the retirement salary calculated under subdivision (a) of Section 14355 if the member has attained the age of 60 years at the effective date of his retirement; or if the member has not attained such age, a retirement salary payable monthly equal to ninety percent (90%) of an amount which bears the same ratio to fifty dollars ($50) as the number of years of service credited, not to exceed thirty (30) years, bears to 30 years.

(b) A disability annuity, derived from the Retirement Annuity Fund, computed pursuant to Section 14370.

(c) An annuity which shall be the actuarial equivalent of the accumulated annuity deposits standing to the credit of his individual account at the time of his retirement.

(d) A shelter annuity which shall be the actuarial equivalent of the accumulated shelter contributions standing to the credit of his individual account at the time of his retirement.

Such retirement allowance, prior to modification under options in Section 14363, and exclusive of the annuities referred to in subdivision (c) and (d) of this section, shall be at least an amount, by increase in the annuity under the Retirement Annuity Fund, which, when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall equal the retirement allowance, prior to optional modification, to which the person would be entitled under this system if he were not entitled to any allowance from a local retirement system, minus one-half the retirement annuity on account of service rendered after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions. However, no amount shall be paid under this paragraph to any retired person who has the right to receive a retirement allowance from a local retirement system upon his subsequent attainment of a minimum age after the retired person attains that minimum age unless he affirmatively exercises his right to re-

ceive the retirement allowance from the local retirement system, and if such a retired person does so exercise his right, only if some amount is then payable under this paragraph.

SEC. 19. Section 14371 of the Education Code is amended to read:

14371. In no event shall the retirement allowance for disability, exclusive of any annuity provided by accumulated annuity deposits and accumulated shelter contributions, be less than the amount of the service retirement allowance, exclusive of any annuity purchased by accumulated annuity deposits and accumulated shelter contributions, which the retiring member would have received if he had retired for service instead of disability.

CHAPTER 1094

An act to amend Section 136 of the Penal Code, relating to witnesses.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 136 of the Penal Code is amended to read:

136. (a) Every person who willfully and unlawfully prevents or dissuades any person who is or may become a witness, from attending upon any trial, proceeding, or inquiry, authorized by law, is guilty of a misdemeanor.

(b) Every person who willfully and unlawfully prevents or dissuades by means of force or threats of unlawful injury to person or property, any person who is or may become a witness, from attending upon any trial, proceeding, or inquiry, authorized by law, is punishable by fine not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison not less than one nor more than five years, or by both such fine and imprisonment in the county jail or in the state prison.

CHAPTER 1095

An act to add Chapter 7 (commencing with Section 460) to Division 1 of the Business and Professions Code, relating to persons authorized by the state to engage in a business, occupation, or profession.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Chapter 7 (commencing with Section 460) is added to Division 1 of the Business and Professions Code, to read:

CHAPTER 7. LICENSEE

460. No city or county shall prohibit a person, authorized by one of the agencies in the Department of Professional and Vocational Standards by a license, certificate, or other such means to engage in a particular business, from engaging in that business, occupation, or profession or any portion thereof. Nothing in this section shall prohibit any city or county or city and county from levying a business license tax solely for revenue purposes nor any city or county from levying a license tax solely for the purpose of covering the cost of regulation.

CHAPTER 1096

An act to add Section 686.5 to the Penal Code, relating to arrested persons.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 686.5 is added to the Penal Code, to read:

686.5. In any case in which a person is arrested and released without trial or in which a person is arrested, tried, and acquitted, if such person is indigent and is released or acquitted at a place to which he has been transported by the arresting agency and which is more than 25 airline miles from the place of his arrest, the arresting agency shall, at his request, return or provide for return of such person to the place of his arrest.

CHAPTER 1097

An act to add Section 3258.1 to the Education Code, relating to school district reorganization.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 3258.1 is added to the Education Code, to read:

3258.1. Whenever the county committee on school district organization has provided for the formation of two unified districts, from the territory of two high school districts in which such districts a component elementary district lies partly in one and partly in the other, in its plans and recommendations, and it includes in the plans for the formation of the districts provisions for the division of the property, except real property, of such elementary district between the proposed unified districts and as a result of the elections held on the same day to form the districts only one such unified district was formed, the provisions for the division of property shall be null and void and the property shall be settled as provided in subdivision (a) of Section 1831. Other property shall be divided in proportion to average daily attendance. When it is not feasible to make an actual distribution of property a cash settlement may be made in lieu thereof.

CHAPTER 1098

An act to add Section 7185 to the Financial Code, relating to loans.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 7185 is added to the Financial Code, to read:

7185. Unless otherwise provided in the note evidencing a loan made after the effective date of this section, if any principal prepayment occurs pursuant to the terms of the note, an association may defer payment of any further installment on the note until such time as the amount of the next succeeding monthly installments after such principal prepayment, including principal and interest, equals or exceeds the amount of any such principal prepayment.

CHAPTER 1099

An act to add Section 239 to the Civil Code, relating to custody of children.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 239 is added to the Civil Code, to read.

239. If the court by order or judgment declares a minor person free from the custody and control of both parents under the provisions of this chapter, the court shall at the same time appoint a guardian of such minor person.

CHAPTER 1100

An act to add Section 4640.6 to the Health and Safety Code, relating to sewer improvements, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1967. Filed with Secretary of State August 11, 1967.]

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

SECTION 1. Section 4640.6 is added to the Health and Safety Code, to read:

4640.6. The governing body of a city may, by a two-thirds vote, require the owners of property within a district to pay a reasonable fee for connecting to any sanitary sewer improvement acquired or constructed pursuant to this chapter.

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 such necessity are:

Funds which can be raised by taxes levied upon property within certain districts formed pursuant to the Municipal Sewer and Water Facilities Law of 1911 are inadequate to permit cities to complete sanitary sewer improvements which have been undertaken pursuant to such law. In order that these sewer improvements may be completed without delay it is imperative that this act take effect immediately.

CHAPTER 1101

An act to amend Section 619 of the Streets and Highways Code, relating to state highways.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 619 of the Streets and Highways Code is amended to read:

619. Route 605 is from Route 405 to Route 10 near the San Gabriel River and shall be known and designated as the "San Gabriel River Freeway."

CHAPTER 1102

An act to amend Section 14376 of, and to add Sections 25558 and 25804 to, the Education Code, and to add Section 21161 to the Government Code, relating to the California School for the Deaf and the California School for the Blind.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 14376 of the Education Code is amended to read:

14376. Any person who retired for service may be employed as a substitute in a position requiring certification qualifications, or as a curriculum writer or consultant in a field in which he is specially qualified, or as a teacher in a rest home for the aged, or in a community center operated exclusively for the aged, or pursuant to Section 25558 or 25804 as a substitute in a position requiring certification qualifications at the California School for the Deaf or the California School for the Blind, for not to exceed 90 teaching days in any one fiscal year and may be paid not to exceed one thousand eight hundred dollars ($1,800) in any one fiscal year. Such employment shall not operate to reinstate the person as a member of this system, or to terminate or suspend his retirement allowance, and no deductions shall be made from his salary as contributions to this system. Such person may be reemployed only if able to pass a physical examination prescribed by the State Board of Education.

A certificate from a physician or surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code showing that he has submitted to and passed a physical examination within one year last past and filed with the county superintendent of schools,

or in the case of a person to be employed as a substitute in a position requiring certification qualifications at the California School for the Deaf or the California School for the Blind, filed with the State Department of Education, shall be conclusive evidence of his passing the physical examination required by this section.

SEC. 1.5. Section 14376 of the Education Code is amended to read:

14376. Any person who retired for service may be employed as a substitute in a position requiring certification qualifications, or as a teacher who provides remedial instruction, or as a home teacher, or as a hospital teacher, or as a curriculum writer or consultant in a field in which he is specially qualified, or as a teacher in a rest home for the aged, or in a community center, or pursuant to Section 25558 or 25804 as a substitute in a position requiring certification qualifications at the California School for the Deaf or the California School for the Blind, and may be paid not to exceed two thousand five hundred dollars ($2,500) in any one fiscal year. Such employment shall not operate to reinstate the person as a member of this system, or to terminate or suspend his retirement allowance, and no deductions shall be made from his salary as contributions to this system. Such person may be reemployed only if able to pass a physical examination prescribed by the State Board of Education.

A certificate from a physician or surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code showing that he has submitted to and passed a physical examination within one year last past and filed with the county superintendent of schools, or in the case of a person to be employed as a substitute in a position requiring certification qualifications at the California School for the Deaf or the California School for the Blind, filed with the State Department of Education, shall be conclusive evidence of his passing the physical examination required by this section.

SEC. 2. Section 25558 is added to the Education Code, to read:

25558. The State Department of Education may employ any person, otherwise qualified, who has retired for service under either the State Employees' Retirement System or the State Teachers' Retirement System as a substitute in a position requiring certification qualifications at the California School for the Deaf; provided, that the total of such service and any service rendered pursuant to Section 14376 shall not exceed 90 teaching days in any one fiscal year.

SEC. 2.5. Section 25804 is added to the Education Code, to read:

25804. The State Department of Education may employ any person, otherwise qualified, who has retired for service under either the State Employees' Retirement System or the

State Teachers' Retirement System as a substitute in a position requiring certification qualifications at the California School for the Blind; provided, that the total of such service and any service rendered pursuant to Section 14376 shall not exceed 90 teaching days in any one fiscal year.

SEC. 3. Section 21161 is added to the Government Code, to read:

21161. Notwithstanding Section 21150, any person retired for service under this part may, without reinstatement from retirement or any loss or interruption of benefits under this part, be employed pursuant to Section 25558 or Section 25804 of the Education Code as a substitute in a position requiring certification qualifications at the California School for the Deaf or the California School for the Blind; provided, that the total of such service and any service rendered pursuant to Section 14376 of the Education Code shall not exceed 90 teaching days in any one fiscal year.

SEC. 4. Section 1.5 of this act shall become operative only if Senate Bill No. 394 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 394 takes effect; at which time Section 14376 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 1103

An act to amend Section 2141 of, and to add Section 2141.5 to, the Business and Professions Code, relating to the practice of medicine.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 2141 of the Business and Professions Code is amended to read:

2141. Any person, who practices or attempts to practice, or who advertises or holds himself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition of any person, without having at the time of so doing a valid, unrevoked certificate as provided in this chapter, or without being authorized to perform such act pursuant to a certificate obtained in accordance with some other provision of law, is guilty of a misdemeanor.

SEC. 2. Section 2141.5 is added to the Business and Professions Code, to read:

2141.5. Any person who willfully, under circumstances or conditions which cause or create risk of great bodily

harm, serious mental or physical illness, or death, practices or attempts to practice, or advertises or holds himself out as practicing, any system or mode of treating the sick or afflicted in this state, or diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition of any person, without having at the time of so doing a valid, unrevoked certificate as provided in this chapter, or without being authorized to perform such act pursuant to a certificate obtained in accordance with some other provision of law, is punishable by imprisonment in the county jail for not exceeding 1 year or in the state prison for not less than 1 year nor more than 10 years.

The remedy provided in this section shall not preclude any other remedy provided by law.

CHAPTER 1104

An act to add a chapter heading immediately preceding Section 1237 of, and to add Chapter 2 (commencing with Section 1272.01) to Title 7 of Part 3 of, the Code of Civil Procedure, relating to eminent domain.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. A chapter heading is added immediately preceding Section 1237 of the Code of Civil Procedure, to read:

CHAPTER 1. EMINENT DOMAIN GENERALLY

SEC. 2. Chapter 2 (commencing with Section 1272.01) is added to Title 7 of Part 3 of the Code of Civil Procedure, to read:

CHAPTER 2. EXCHANGE OF INFORMATION IN EMINENT DOMAIN PROCEEDINGS

1272.01. (a) Not later than 50 days prior to the day set for the trial, any party to an eminent domain proceeding may serve upon any adverse party and file a demand to exchange lists of expert witnesses and statements of valuation data.

(b) A party on whom a demand is served may, not later than 40 days prior to the day set for the trial, serve upon any adverse party and file a cross-demand to exchange lists of expert witnesses and statements of valuation data relating to the parcel of property described in the demand.

(c) The demand or cross-demand shall:

(1) Describe the parcel of property to which the demand or cross-demand relates, which description may be made by reference to the complaint.

(2) Include a statement in substantially the following form: "You are required to serve and deposit with the clerk of court a list of expert witnesses and statements of valuation data in compliance with Chapter 2 (commencing with Section 1272.01) of Title 7 of Part 3 of the Code of Civil Procedure not later than 20 days prior to the day set for trial. Except as otherwise provided in that chapter, your failure to do so will constitute a waiver of your right to call unlisted expert witnesses during your case in chief and of your right to introduce on direct examination during your case in chief any matter that is required to be, but is not, set forth in your statements of valuation data."

(d) Not later than 20 days prior to the day set for trial, each party who served a demand or cross-demand and each party upon whom a demand or cross-demand was served shall serve and deposit with the clerk of the court a list of expert witnesses and statements of valuation data. A party who served a demand or cross-demand shall serve his list and statements upon each party on whom he served his demand or cross-demand. Each party on whom a demand or cross-demand was served shall serve his list and statements upon the party who served the demand or cross-demand.

(e) The clerk of the court shall make an entry in the register of actions for each list of expert witnesses and statement of valuation data deposited with him pursuant to this chapter. The lists and statements shall not be filed in the proceeding, but the clerk shall make them available to the court at the commencement of the trial for the limited purpose of enabling the court to apply the provisions of this chapter. Unless the court otherwise orders, the clerk shall, at the conclusion of the trial, return all lists and statements to the attorneys for the parties who deposited them. Lists or statements ordered by the court to be retained may thereafter be destroyed or otherwise disposed of in accordance with the provisions of law governing the destruction or disposition of exhibits introduced in the trial.

1272.02. (a) A statement of valuation data shall be exchanged for each person intended to be called as a witness by the party to testify to his opinion as to any of the following matters:

(1) The value of the property or property interest being valued.

(2) The amount of the damage, if any, to the remainder of the larger parcel from which such property is taken.

(3) The amount of the special benefit, if any, to the remainder of the larger parcel from which such property is taken.

(b) The statement of valuation data shall give the name and business or residence address of the witness and shall include a statement whether the witness will testify to an opinion as to any of the matters listed in subdivision (a) and, as to each such matter upon which he will give an opinion, what that opinion is and the following items to the extent that the opinion on such matter is based thereon:

(1) The estate or interest being valued.

(2) The date of valuation used by the witness.

(3) The highest and best use of the property.

(4) The applicable zoning and the opinion of the witness as to the probability of any change in such zoning.

(5) The sales, contracts to sell and purchase, and leases supporting the opinion.

(6) The cost of reproduction or replacement of the existing improvements on the property, the depreciation or obsolescence the improvements have suffered, and the method of calculation used to determine depreciation.

(7) The gross income from the property, the deductions from gross income, and the resulting net income; the reasonable net rental value attributable to the land and existing improvements thereon, and the estimated gross rental income and deductions therefrom upon which such reasonable net rental value is computed; the rate of capitalization used; and the value indicated by such capitalization.

(8) If the property is a portion of a larger parcel, a description of the larger parcel and its value.

(c) With respect to each sale, contract, or lease listed under paragraph (5) of subdivision (b):

(1) The names and business or residence addresses, if known, of the parties to the transaction.

(2) The location of the property subject to the transaction.

(3) The date of the transaction.

(4) If recorded, the date of recording and the volume and page or other identification of the record of the transaction.

(5) The price and other terms and circumstances of the transaction. In lieu of stating the terms contained in any contract, lease, or other document, the statement may, if the document is available for inspection by the adverse party, state the place where and the times when it is available for inspection.

(d) If any opinion referred to in subdivision (a) is based in whole or in substantial part upon the opinion of another person, the statement of valuation data shall include the name and business or residence address of such other person, his business, occupation, or profession, and a statement as to the subject matter to which his opinion relates.

(e) Except when an appraisal report is used as a statement of valuation data as permitted by subdivision (f), the statement of valuation data shall include a statement, signed by the witness, that the witness has read the statement of valua-

tion data and that it fairly and correctly states his opinions and knowledge as to the matters therein stated.

(f) An appraisal report that has been prepared by the witness which includes the information required to be included in a statement of valuation data may be used as a statement of valuation data under this chapter.

1272.03. The list of expert witnesses shall include the name, business or residence address, and business, occupation, or profession of each person intended to be called as an expert witness by the party and a statement as to the subject matter to which his testimony relates.

1272.04. (a) A party who is required to exchange lists of expert witnesses and statements of valuation data shall diligently give notice to the parties upon whom his list and statements were served if, after service of his list and statements, he:

(1) Determines to call an expert witness not included in his list of expert witnesses to testify on direct examination during his case in chief;

(2) Determines to have a witness called by him testify on direct examination during his case in chief to any opinion or data required to be listed in the statement of valuation data for that witness but which was not so listed; or

(3) Discovers any data required to be listed in a statement of valuation data but which was not so listed.

(b) The notice required by subdivision (a) shall include the information specified in Sections 1272.02 and 1272.03 and shall be in writing; but such notice is not required to be in writing if it is given after the commencement of the trial.

1272.05. Except as provided in Section 1272.06, upon objection of any party who has served his list of expert witnesses and statements of valuation data in compliance with Section 1272.01:

(a) No party required to serve a list of expert witnesses may call an expert witness to testify on direct examination during the case in chief of the party calling him unless the information required by Section 1272.03 for such witness is included in the list served by the party who calls the witness.

(b) No party required to serve statements of valuation data may call a witness to testify on direct examination during the case in chief of the party calling him to his opinion of the value of the property described in the demand or cross-demand or the amount of the damage or benefit, if any, to the remainder of the larger parcel from which such property is taken unless a statement of valuation data for the witness was served by the party who calls the witness.

(c) No witness called by any party required to serve statements of valuation data may testify on direct examination during the case in chief of the party who called him to any opinion or data required to be listed in the statement of valuation data for such witness unless such opinion or data is listed in the statement served, except that testimony that is

merely an explanation or elaboration of data so listed is not inadmissible under this section.

1272.06. (a) The court may, upon such terms as may be just, permit a party to call a witness, or permit a witness called by a party to testify to an opinion or data on direct examination, during the party's case in chief where such witness, opinion, or data is required to be, but is not, included in such party's list of expert witnesses or statements of valuation data if the court finds that such party has made a good faith effort to comply with Sections 1272.01 to 1272.03, inclusive, that he has complied with Section 1272.04, and that, by the date of the service of his list and statements, he:

(1) Would not in the exercise of reasonable diligence have determined to call such witness or discovered or listed such opinion or data; or

(2) Failed to determine to call such witness or to discover or list such opinion or data through mistake, inadvertence, surprise, or excusable neglect.

(b) In making a determination under this section, the court shall take into account the extent to which the opposing party has relied upon the list of expert witnesses and statements of valuation data and will be prejudiced if the witness is called or the testimony concerning such opinion or data is given.

1272.07. This chapter does not apply in any eminent domain proceeding in any county having a population in excess of 4,000,000 in which a pretrial conference is held.

1272.08. The procedure provided in this chapter does not prevent the use of discovery procedures or limit the matters that are discoverable in eminent domain proceedings. Neither the existence of the procedure provided by this chapter, nor the fact that it has or has not been invoked by a party to the proceeding, affects the time for completion of discovery in the proceeding.

1272.09. Nothing in this chapter makes admissible any evidence that is not otherwise admissible or permits a witness to base an opinion on any matter that is not a proper basis for such an opinion.

CHAPTER 1105

An act to add Article 8 (commencing with Section 12085) to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, relating to the California Job Training and Placement Council.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Article 8 (commencing with Section 12085) is added to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 8. California Job Training and Placement Council

12085. It is hereby declared to be the intent of the Legislature that the multitude of existing training programs now operating in California be organized into a closely coordinated system designed to remove able-bodied unemployed persons from public dependency, and to enlist the full support of private industry in securing jobs for graduates of training programs.

12086. There is in the state government a California Job Training and Placement Council.

(a) It shall consist of six members of the public to be appointed by the Governor, and the Lieutenant Governor, who shall be chairman of the council, and the Administrator of the Health and Welfare Agency. One of the members appointed pursuant to subdivision (c), other than a Member of the Legislature, shall be the vice chairman. The vice chairman shall be elected by a majority vote of the members of the council provided for under this subdivision.

(b) The council also shall consist of the following ex officio members:

(1) Director of Employment.
(2) Director of Industrial Relations.
(3) Director of Rehabilitation.
(4) Director of Social Welfare.
(5) Superintendent of Public Instruction.
(6) Director of State Office of Economic Opportunity.
(7) Director of the State Service Center Program.

(c) Four members appointed by the Senate Committee on Rules, two of whom shall be Members of the Senate, and four members appointed by the Speaker of the Assembly, two of whom shall be Members of the Assembly. The legislative members shall meet with and, except as otherwise provided in the Constitution, advise with the council to the extent that such advisory participation is not incompatible with their duties as Members of the Legislature.

12087. The California Job Training and Placement Council may accept grants from private sources only upon the unanimous approval by the council of each grant.

12088. The functions of the council are as follows:

(a) To recommend a policy framework, which would establish criteria for admission to training and would establish criteria for the type and nature of the training to be given.

(b) To consider the need to develop recommendations for an administrative system to insure that all public funds now being spent on job training and adult basic education be channeled into a single rehabilitative job training and job placement program.

(c) To consider the need to develop controls to insure that training programs are entered into to meet existing labor market needs as determined by the Department of Employment

and, in this connection, to review the survey methods and procedures used by the Department of Employment in determining such labor market needs.

(d) To study the training needs of private industry and to recommend new methods for meeting such needs, and also to study training and personnel selection methods used successfully by private industry employers.

(e) To enlist the active and enthusiastic support of private industry in developing a statewide system for making jobs available to job trainees following successful completion of training programs.

(f) To review the need to support and encourage joint funding programs for projects in this field.

(g) To develop an accurate and workable cost-in-relation-to-benefits formula which would be applied to the various job training programs now in progress or to be proposed by this council.

(h) Investigate methods to reengineer job placement in private industry in order to improve opportunities for unskilled workers.

(i) To appoint an executive director and other officers and employees, and to retain and employ technical and other specialized consultants on a contract basis or otherwise.

12089. The council shall submit an interim report to the Governor and to the State Legislature at the 1968 Regular Session of the Legislature and a final report shall be submitted to the Governor and to the Legislature at the 1969 Regular Session.

12090. The council provided for by this article shall remain in existence until December 31, 1968.

12091. There is hereby established in the State Treasury a special fund, to consist of gifts and grants made to the council under Section 12087. The fund is hereby appropriated for expenditure by the council for the purposes of the article.

CHAPTER 1106

An act to add Section 324.5, and Division 14.7 (commencing with Section 34001) to, and to repeal Division 14.7 (commencing with Section 34001) of, the Vehicle Code, relating to flammable liquids.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 324.5 is added to the Vehicle Code, to read:

324.5. The term "flammable liquid" shall include any material that has been heated to a temperature above its flash

point and is transported in a liquid state. The term "flammable liquid" includes, but is not limited to, any asphalt product which is transported in a liquid state when such product has been heated to a temperature above its flash point.

SEC. 2. Division 14.7 (commencing with Section 34001) of the Vehicle Code is repealed.

SEC. 3. Division 14.7 (commencing with Section 34001) is added to the Vehicle Code, to read:

DIVISION 14.7. FLAMMABLE LIQUIDS

Article 1. Administration

34001. The provisions of this division refer to vehicles having a cargo tank and operating on highways within this state.

34002. (a) It is the legislative intention in enacting this division that the regulations adopted by the State Fire Marshal pursuant to this division shall apply uniformly throughout the State of California, and no state agency, city, city and county, county, or other political subdivision of this state, including, but not limited to, a chartered city, city and county, or county, shall adopt or enforce any ordinance or regulation which is inconsistent with the provisions of this division.

(b) No state agency, city, city and county, county, or other public agency of this state, including, but not limited to, a chartered city, city and county, or county, shall enforce any provisions regarding the design and construction of any cargo tank subject to the provisions of this division, regardless of the location of the cargo tank, or the area of operation of the cargo tank, within this state.

34003. As used in this division:

(a) "Cargo tank," means any container having a volumetric capacity in excess of 120 gallons, used for the transportation of flammable liquids. This term shall include pumps, meters, valves, fittings, piping, and other appurtenances attached to a tank vehicle and used in connection with the flammable liquids being transported in the cargo tank.

The term "cargo tank" does not, however, include any tank used to carry fuel necessary for the operation of the vehicle or any equipment of the vehicle.

(b) "Tank vehicle" means any truck, trailer, or semitrailer equipped with a cargo tank which is used for the transportation of flammable liquids within this state.

34004. The provisions of this division shall apply equally to new as well as existing cargo tanks.

Article 2. Regulations

34020. The State Fire Marshal shall adopt and enforce reasonable regulations, which in his judgment are designed to promote the safe transportation of liquids, regarding the design, construction, and maintenance of cargo tanks and fire

safety devices and to prevent the intermixing of incompatible materials in or on tank vehicles.

34021. The regulations adopted by the State Fire Marshal shall make reasonable allowances for cargo tanks in existence when the regulations become effective. No allowance shall, however, be made for any cargo tank which because of its design or construction constitutes a distinct hazard to life or property.

34022. In making the regulations, the State Fire Marshal shall consider as evidence of generally accepted safety standards the publications of the National Fire Protection Association and the Interstate Commerce Commission.

34023. To assist in the making or revision of the regulations, the State Fire Marshal shall appoint an advisory committee of 11, which shall consist of the State Fire Marshal or delegated authority, who shall serve as chairman, and representatives of the fire services, associations of proprietary carriers, for-hire carriers, petroleum companies, and from industry, labor, and other governmental agencies, as may be determined and selected, from time to time, by the State Fire Marshal. The members of the advisory committee shall serve at the pleasure of the State Fire Marshal. They shall receive no compensation for their services.

34024. The regulations adopted by the State Fire Marshal pursuant to this division shall be adopted, amended, and repealed in accordance with Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code.

Article 3. Registration

34040. Application for original and renewal registration of cargo tanks shall be made to the State Fire Marshal on forms provided by him and shall be accompanied by the fees prescribed in this article. Such application shall contain the name and current address of the applicant and such other information as the State Fire Marshal shall require.

34041. Following receipt of an application for original or renewal registration and appropriate fees, the State Fire Marshal shall grant or deny such registration.

34042. Such application may be denied for any of the following reasons:

(a) Failure to pay required fees.

(b) Misrepresentation in the application.

(c) Failure of the cargo tank to comply with the regulations of the State Fire Marshal pursuant to Section 34020.

(d) Failure or refusal of the applicant to make the cargo tank available for inspection by a duly authorized inspector of the State Fire Marshal upon reasonable notice.

34043. The original and annual renewal registration shall be for two consecutive years, or remaining portion thereof, commencing on January 1 of each numerically even calendar year and expiring midnight of December 31 of the next suc-

ceeding year. Application for renewal registration shall be made on or before November 1 of the year in which the current registration expires.

34044. At the time the original and renewal registration is issued, the State Fire Marshal shall issue a sticker, label, or other suitable device constituting a certificate of compliance to identify cargo tanks which are currently registered. The certificate of compliance shall be plainly affixed to the cargo tank. The size, shape, color, and design of the certificate of compliance and the positioning of such on the cargo tank shall be determined by the State Fire Marshal.

34045. The original and renewal fee for registration of a cargo tank issued pursuant to this division shall be as set forth in the following table, in accordance with the volumetric capacity.

Total capacity gallons	Fee
From 120 to and including 500	$10
From 500 to and including 6,000	20
More than 6,000	30

34046. Where, on application for original registration, more than 12 months of the registration period has expired, the registration fee shall be reduced by 50 percent. Otherwise, the fees in Section 34045 shall apply.

34047. A penalty fee equal to the fee payable under Section 34045 shall be added in all cases where the fee for renewal of the registration is not paid on or before November 1 of the year in which current registration expires.

34048. Procedures shall be established by the State Fire Marshal for transfer of ownership, issuance of duplicate registration or certificate of compliance and change of address of registrant. A fee of two dollars ($2) shall be paid for each transfer of ownership, issuance of duplicate registration or certificate of compliance.

34049. Every registrant shall notify the State Fire Marshal in writing at his Sacramento office within 15 days of any change of address.

Article 4. Enforcement

34060. The State Fire Marshal shall provide for the establishment, operation, and enforcement of an inspection service for cargo tanks, and shall designate the public officers who may inspect cargo tanks to determine whether or not the cargo tanks are designed, constructed, and maintained in accordance with the regulations adopted by the State Fire Marshal pursuant to Section 34020 and otherwise comply with the provisions of this division.

34061. The State Fire Marshal may, pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2,

of the Government Code, suspend or revoke the registration of a cargo tank for any of the following reasons:

(a) Failure of the registrant to pay required fees or misrepresentation upon application for original or renewal registration.

(b) Failure of the cargo tank to comply with the regulations of the State Fire Marshal adopted pursuant to this division.

(c) Failure or refusal of the registrant to permit inspection of the cargo tank or make available the cargo tank for inspection by a duly authorized inspector of the State Fire Marshal upon reasonable notice.

(d) Violation of any provisions of this division.

34062. Upon revocation or suspension of the registration of a cargo tank, the State Fire Marshal may order the removal of the certificate of compliance from the cargo tank during the period of revocation or suspension. The certificate of compliance shall thereupon be removed by the registrant pursuant to such order.

34063. If, upon inspection of any currently registered cargo tank, a cargo tank is found to be not in compliance with the regulations of the State Fire Marshal or any provision of this division, the inspector may immediately remove the certificate of compliance from the cargo tank. At the time of such removal, the inspector shall deliver to the registrant or his representative a written notice specifying in what particulars the cargo tank does not so comply. Within 20 days from the date of such removal of the certificate of compliance and the written notice, a statement of suspension or revocation of the cargo tank registration shall be filed. If within such 20-day period the registrant notifies the State Fire Marshal and the State Fire Marshal is satisfied that the cargo tank has been brought into compliance, the certificate of compliance may be reinstated by issuance of a duplicate thereof. In such event, the statement of suspension or revocation may, but need not, be filed.

34064. The State Fire Marshal, his deputies or salaried assistants may inspect cargo tanks located at terminals, yards or similar places; or the appurtenances and equipment thereof as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause a highway fire or explosion or any violation of the provisions or intent of this division. The State Fire Marshal or his deputies may enter upon private property to conduct such inspections. The owner, lessee, manager or operator of any such property shall permit the State Fire Marshal, his deputy or salaried assistants to enter and inspect cargo tanks for the purpose stated in this division.

Article 5. Violations

34100. No person shall drive, move, or leave standing any tank vehicle upon any highway unless all cargo tanks on such

vehicles have been registered, pursuant to this division, with the State Fire Marshal and the appropriate fees have been paid.

34101. No tank vehicle shall be operated upon any highway in this state unless there is plainly affixed on the cargo tank of the tank vehicle a valid certificate of compliance label for the cargo tank, as provided in this division and the regulations of the State Fire Marshal.

34102. A violation of any provision of this division or of any regulation adopted by the State Fire Marshal pursuant thereto is a misdemeanor. No person shall operate a tank vehicle upon a highway in violation of any provision of this division or of any regulation adopted by the State Fire Marshal pursuant thereto.

CHAPTER 1107

An act to add Section 263.6 to the Streets and Highways Code, relating to state scenic highways.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 263.6 is added to the Streets and Highways Code, to read:

263.6. The state scenic highway system shall also include State Highway Route 9 from Route 236 near Boulder Creek to Route 236 near Waterman Gap and State Highway Route 152 from Route 1 to the Santa Clara county line at Hecker Pass.

CHAPTER 1108

An act to add Section 263.7 to the Streets and Highways Code, relating to state scenic highways.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 263.7 is added to the Streets and Highways Code, to read:

263.7. The state scenic highway system shall also include Route 9 from Blaney Plaza in Saratoga to Route 35.

CHAPTER 1109

An act to add Article 10 (commencing with Section 28050) to Chapter 5 of Division 12 of the Vehicle Code, relating to odometers.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Article 10 (commencing with Section 28050) is added to Chapter 5 of Division 12 of the Vehicle Code, to read:

Article 10. Odometers

28050. It is unlawful for any person to advertise for sale, to sell, to use, or to install on any part of a motor vehicle or on an odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage driven. For the purposes of this section the true mileage driven is that mileage driven by the car as registered by the odometer within the manufacturer's designed tolerance.

CHAPTER 1110

An act to amend Sections 2806, 4460, 4463, 10500, 10751, 10851, 13350 and 13356 of, and to add Section 13357 to, the Vehicle Code, relating to motor vehicles.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 2806 of the Vehicle Code is amended to read:

2806. Any regularly employed and salaried police officer or deputy sheriff having reasonable cause to believe that any vehicle or combination of vehicles is not equipped as required by this code or is in such unsafe condition as to endanger any person, may require the driver to stop and submit the vehicle or combination of vehicles to an inspection and such tests as may be appropriate to determine the safety to persons and compliance with the code.

SEC. 2. Section 4460 of the Vehicle Code is amended to read:

4460. The Department of Motor Vehicles and the Department of the California Highway Patrol or any regularly employed and salaried police officer or deputy sheriff may take possession of any certificate, card, permit, license, or

license plate issued under this code upon expiration, revocation, cancellation, or suspension thereof or which is fictitious or which has been unlawfully or erroneously issued. Any license plate which is not attached to the vehicle for which issued, when and in the manner required under this code may be seized, and attachment to the proper vehicle may be made or required.

Any such document or license plate seized shall be delivered to the Department of Motor Vehicles.

SEC. 3. Section 4463 of the Vehicle Code is amended to read:

4463. Every person who, with intent to defraud, alters, forges, counterfeits, or falsifies any certificate of ownership, registration card, certificate, license or special plate or permit provided for by this code or any comparable certificate of ownership, registration card, certificate, license or special plate or permit relating to motor vehicles provided for by any foreign jurisdiction or who alters, forges, counterfeits, or falsifies any such document or plate with intent to represent the same as issued by the department or who alters, forges, counterfeits, or falsifies with fraudulent intent any endorsement of transfer on a certificate of ownership, or who with fraudulent intent displays or causes or permits to be displayed or have in his possession any canceled, suspended, revoked, altered, forged, counterfeit, or false certificate of ownership, registration card, certificate, license or special plate or permit or who utters, publishes, passes, or attempts to pass, as true and genuine, any of the above named false, altered, forged, or counterfeited matters knowing the same to be false, altered, forged, or counterfeited with intent to prejudice, damage, or defraud any person is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year or more than 14 years, or in the county jail for not more than one year.

SEC. 4. Section 10500 of the Vehicle Code is amended to read:

10500. Every peace officer upon receiving a report based on reliable information that any vehicle registered under this code has been stolen or that license plates for any vehicle have been lost or stolen shall, immediately after receiving such information, report the theft or loss to the Department of the California Highway Patrol. An officer upon receiving information of the recovery of any vehicle or plates, which has been previously reported as stolen or lost, shall immediately report the fact of the recovery to said department. At the same time the recovering officer shall advise the California Highway Patrol and the original reporting police agency of the location and condition of such stolen vehicle.

SEC. 5. Section 10751 of the Vehicle Code is amended to read:

10751. No person shall knowingly buy, receive, dispose of, sell, offer for sale, or have in his possession any vehicle or

component thereof from which a manufacturer's serial or identification number, motor number, manufacturer's gross vehicle weight rating, or any identification mark or number placed thereon under assignment from the department has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity or manufacturer's gross vehicle weight rating of the vehicle or component. When any such property comes into the custody of a peace officer, he shall hold it, subject to the order of the magistrate authorized to direct disposal thereof as provided in Section 1419 of the Penal Code.

SEC. 6. Section 10851 of the Vehicle Code is amended to read:

10851. Any person who drives or takes a vehicle not his own, without the consent of the owner thereof, and with intent either permanently or temporarily to deprive the owner thereof of his title to or possession of the vehicle, whether with or without intent to steal the same, or any person who is a party or accessory to or an accomplice in the driving or unauthorized taking or stealing is guilty of a public offense, and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not more than one year or by a fine of not more than five thousand dollars ($5,000) or by both such fine and imprisonment. The consent of the owner of a vehicle to its taking or driving shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking or driving of the vehicle by the same or a different person.

SEC. 7. Section 13350 of the Vehicle Code is amended to read:

13350. The department shall immediately revoke the privilege of any person to drive a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of any of the following crimes or offenses:

(a) Manslaughter resulting from the operation of a motor vehicle, except when convicted under paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(b) Driving when addicted to the use, or under the influence of a narcotic drug or amphetamine or any derivative thereof under Section 23105.

(c) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001.

(d) Upon three or more convictions upon violation of Sections 20002, 23103, or 23104 within a period of 12 months from the time of the first conviction, or upon a combination of three or more of any such convictions within a like period.

(e) Any felony in the commission of which a motor vehicle is used, except as provided for in Sections 13352 and 13357.

SEC. 8. Section 13356 of the Vehicle Code is amended to read:

13356. Upon the recommendation of the judge of a juvenile court the department shall also revoke or suspend the privilege of any person to operate a motor vehicle who has been found to have committed any of the following offenses:

(a) Reckless driving.

(b) Failure to stop in the event of an accident as provided for in Section 20002.

(c) Two or more offenses within a period of six months of violating the provisions of this code limiting the speed of vehicles.

(d) A violation of this code punishable as a felony or of the provisions of the Penal Code relating to the grand theft of a motor vehicle.

(e) Any unlawful taking of a motor vehicle as prescribed by Section 10851.

SEC. 9. Section 13357 is added to the Vehicle Code, to read:

13357. Upon the recommendation of the court the department shall suspend or revoke the privilege to operate a motor vehicle of any person who has been found guilty of a violation of Section 10851.

CHAPTER 1111

An act to amend Sections 12396 and 12402 of the Insurance Code, relating to title companies.

[Approved by Governor August 11, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 12396 of the Insurance Code is amended to read:

12396. (a) An underwritten title company as defined in Section 12402 of this code, which shall be a stock corporation, may engage in the business of preparing title searches, title examinations, certificates or abstracts of title, upon the basis of which a title insurer regularly writes title policies, provided that:

(1) Only domestic corporations may be licensed under this section and, after January 1, 1968, no underwritten title company, as defined in Section 12402, shall become licensed for the first time under this section, or change the name under which it is licensed or operates, unless it has first complied with the provisions of Section 881.

(2) Depending upon the county or counties in which the company transacts business, it shall maintain required minimum capital and surplus or net worth as follows:

Aggregate number of documents recorded and documents filed in the offices of the county recorders in the preceding calendar year in all counties where it is transacting any business. Number of documents	Amount of required minimum capital and surplus or net worth
Less than 10,000	$20,000
10,000 to 50,000	30,000
50,000 to 100,000	60,000
100,000 to 500,000	100,000
500,000 to 1,000,000	150,000
1,000,000 or more	200,000

"Capital and surplus" or "net worth" is defined as the excess of assets over all liabilities and required reserves. It may carry as an asset the actual cost of its title plant provided the value ascribed to such asset shall not exceed the lesser of: (a) the actual cost thereof, or (b) 50 percent of its stated capital, as defined in Section 1900 of the Corporations Code.

Notwithstanding the capital and surplus or net worth requirements set forth above, any underwritten title company actively engaged in business as such on September 17, 1965, shall meet the capital and surplus or net worth requirements set forth above on the following time schedule:

(i) Forty percent of the amount set forth above on or before December 31, 1967.

(ii) Sixty percent of the amount set forth above on or before December 31, 1968.

(iii) Eighty percent of the amount set forth above on or before December 31, 1969.

(iv) One hundred percent of the amount set forth above on or before December 31, 1970.

(3) Such an underwritten title company shall obtain from the commissioner a license to transact its business. Such license shall not be granted until the applicant conforms to the requirements of this section and all other provisions of this code specifically applicable to applicant. After issuance the holder shall continue to comply with the requirements as to its business set forth in this code, in the applicable rules and regulations of the commissioner and in the laws of this state.

Any underwritten title company who possesses, or is required to possess, a license pursuant to this section shall be subject as if an insurer to the provisions of Article 8 (commencing with Section 820) of Chapter 1 of Part 2 of Division 1 of this code and shall be deemed organized for the purpose of transacting an insurance business within the meaning of subdivision (h) of Section 25100 of the Corporations Code.

Such license may be obtained by filing an application on a form prescribed by the commissioner accompanied by a filing fee of one hundred dollars ($100). Such license when issued shall be for an indefinite term and shall expire with the termi-

nation of the existence of the holder. Nonetheless, the holder commencing in 1967 shall be subject to the provisions of Section 705 as if it were an insurer and as if it held a certificate of authority, paying the ten dollars ($10) renewal fee therein provided.

(4) Such an underwritten title company shall furnish an audit to the commissioner on the forms provided by the commissioner annually, either on a calendar year basis on or before March 31st or, if approved in writing by the commissioner in respect to any individual company, on a fiscal year basis on or before 90 days after the end of the fiscal year. The time for furnishing any such audit may be extended on written approval of the commissioner for a period, not to exceed 60 days. Such audits shall be private, except that a synopsis of the balance sheet on a form prescribed by the commissioner may be made available to the public.

The audits shall be made in accordance with generally accepted auditing standards by an independent certified public accountant or independent licensed public accountant approved by the commissioner specifically for the particular company. Approval of an auditor for a particular company shall not be deemed to be a licensing of the auditor nor approval of the auditor for any other company or any other purpose. Any such approval, or the renewal thereof, shall automatically expire on the first day of January in the fifth calendar year following the date of original or renewal approval. The fee for filing an application for such approval or the renewal thereof shall be ten dollars ($10). The fee for approving the submitted audit shall be twenty-five dollars ($25).

The commissioner may deny or revoke approval or renewal of approval of an auditor for any of the following reasons:

(i) Adverse result in any proceeding before the State Board of Accountancy affecting the auditor's license;

(ii) The auditor has an affiliation with the underwritten title company or any of its officers or directors which would prevent his reports on the company from being reasonably objective;

(iii) The auditor has suffered conviction of any misdemeanor or felony based on his activities as an accountant; or

(iv) Judgment adverse to the auditor in any civil action finding him guilty of fraud, deceit or misrepresentation in the practice of his profession.

Any company which fails to file any audit or other report on or before the date it is due shall pay to the commissioner a penalty fee of one hundred dollars ($100) and on failure to pay such or any other fee required by this section shall forfeit the privilege of accepting new business until the delinquency is corrected.

(b) Such an underwritten title company may engage in the escrow business and act as escrow agent provided that:

(1) All funds deposited with the company in connection with any escrow shall be deposited in a bank in a separate trust account, and such funds shall be the property of the person or persons entitled thereto under the provisions of the escrow and segregated escrow by escrow in the records of the company. Such funds shall not be subject to any debts of the company and shall be used only to fulfill the terms of the individual escrow under which the funds were accepted and none of such funds shall be used until all conditions of the escrow have been met.

Bona fide drafts executed by persons fully responsible financially may at the option of the company, be deemed the equivalent of funds already cleared into such bank deposit unless another law of this state prohibits such persons from tendering such drafts to escrow holders for the purpose of closing escrows.

Any interest received on funds deposited with the company in connection with any escrow which are deposited in a bank shall be paid over to the depositing party to the escrow and shall not be transferred to the account of the company.

(2) It shall maintain record of all receipts and disbursements of escrow funds.

(3) It shall deposit seven thousand five hundred dollars ($7,500) for each county in which it operates in some form permitted by Section 12351 with the commissioner who shall forthwith make a special deposit thereof in the State Treasury and such deposit shall be subject to the provisions of Sections 12353, 12356, 12357, and 12358 and as long as there are no claims against the deposit all interest and dividends thereon shall be paid to the depositor. The assets in the deposit shall be subject to final sale, transfer and disposal of the proceeds thereof by the commissioner only on the order of a court of competent jurisdiction, and for the security and protection of persons having lawful claims against the depositor growing out of escrow transactions with it. Such deposit shall be maintained until two years after the company ceases to engage in the escrow business.

(4) It shall obtain and maintain a fidelity bond on file with the commissioner to cover all officers and employees of the company who participate in any escrow transaction that is handled by the company. Such bond shall be a blanket bond or, with the approval of the commissioner, may be a position or individual bond. The commissioner shall prescribe the amount of the bond which shall not exceed two hundred thousand dollars ($200,000).

(c) The commissioner shall, whenever it appears necessary, examine the business and affairs of a company licensed under this section. All such examinations shall be at the expense of the company.

(d) At any time that the commissioner determines, after notice and hearing, that a company licensed under this section has willfully failed to comply with any of the provisions of

this section, the commissioner shall make his order prohibiting the company from conducting its business for a period of not more than one year.

Any company violating such an order is subject to seizure under Article 14 (commencing with Section 1010) of Chapter 1 of Part 2 of Division 1 of this code is guilty of a misdemeanor and may have its license revoked by the commissioner. Any person aiding and abetting any company in a violation of such an order is guilty of a misdemeanor.

The purpose of this section is to maintain the solvency of the companies subject to this section and to protect the public by preventing fraud and requiring fair dealing. In order to carry out such purposes the commissioner may make reasonable rules and regulations to govern the conduct of its business of companies subject to this section.

The name under which each underwritten title company is licensed shall at all times be an approved name. Each such company shall be subject to the provisions of Article 14 (commencing with Section 1010) and Article 14.5 (commencing with Section 1065.1) of Chapter 1 of Part 2 of Division 1 of this code.

Such rules and regulations shall be adopted, amended or repealed in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 12402 of the Insurance Code is amended to read:

12402. Each person engaged in the business of handling escrows of real property transactions in connection with which title policies are issued by a title insurer, which person, if an artificial person, directly or indirectly, is controlled by, or controls, or is under common control with, a title insurer, or controls or is controlled by or is under common control with an underwritten title company, or, if a natural person, is employed by or controlled by a title insurer, or by an underwritten title company, is herein, for the purposes of this article, called a "controlled escrow company." Each person engaged in the business of preparing title searches, title examinations, certificates or abstracts of title upon the basis of which a title insurer regularly writes title policies is herein called, for the purposes of this article, "an underwritten title company." Such an underwritten title company shall be a stock corporation and subject to the provision of Section 12396.

CHAPTER 1112

An act to amend Sections 3, 4, 5 and 6 of, and to add Sections 9.2 and 23.1 to, the Riverside County Flood Control and Water Conservation District Act (Chapter 1122 of the Statutes of 1945), relating to the Riverside County Flood Control and Water Conservation District.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 3 of the Riverside County Flood Control and Water Conservation District Act (Ch. 1122, Stats. 1945) is amended to read:

Sec. 3. Zone One shall comprise all that territory and area included within the following described boundaries:

Beginning at a point on the northerly boundary of Riverside County at the northeast corner of Sec. 17, T. 2 S., R. 3 W., S.B.B. & M.;

Thence south 1 mile to the southeast corner of said Sec. 17;

Thence west on section lines, 5 miles to the northwest corner of Sec. 22, T. 2 S., R. 4 W., S.B.B. & M.;

Thence south on section lines, 6 miles to the southeast corner of Sec. 16, T. 3 S., R. 4 W., S.B.B. & M;

Thence west on section lines, 5 miles to the northwest corner of Sec. 23, T. 3 S., R. 5 W., S.B.B. & M;

Thence south one mile to the southwest corner of said section 23;

Thence following section lines 4 miles west to the northeast corner of Sec. 25, T. 3 S., R. 6. W., S.B.B. & M;

Thence south on the east boundary of said Section to the southeast corner thereof;

Thence west on section lines to an intersection with the southerly boundary of the Lands of the Riverside Land & Irrigating Company, as shown on map recorded in Book 1 of Maps, at page 70, records of the Recorder of San Bernardino County, California;

Thence westerly along said southerly boundary to the center line of Temescal Street as shown on said map;

Thence northwesterly along said center line of Temescal Street to the center line of the southerly drive of State Highway Rt. No. 43, as said center line is shown on Improvement Plans of the Riverside County Highway Commission Route No. 2, on file in the Office of the County Surveyor;

Thence westerly on said center line to the westerly boundary of Lot 10, in Block 63, as shown on said Map of the Riverside Land & Irrigating Company;

Thence northerly on the westerly boundary of said Lot 10, and on said westerly boundary extended northerly, to the southerly line of the right of way of the Atchison, Topeka & Santa Fe Railroad;

Thence northerly in a direct line to the southwest corner of Lot 18 as shown on Assessor's Map No. 30, filed in Book 1 of Assessor's Maps at pages 40 and 41 thereof, records of the Recorder of Riverside County, California;

Thence north on the westerly boundary of said Lot 18 to the most northerly corner of said Lot, at a point on the westerly boundary of Lot 1 as shown on said Map;

Thence northerly along the westerly boundary of said Lot 1, in all its various courses, to the northwesterly corner of said Lot at a point on the northerly boundary of the Rancho El Sobrante de San Jacinto;

Thence northeasterly on said Ranch line to the east boundary of Sec. 20, T. 3 S., R. 6 W., S.B.B. & M.;

Thence northerly on section lines to the northwest corner of Sec. 28, T. 2 S., R. 6 W., S.B.B. & M.;

Thence westerly along section lines 2 miles to the southwest corner of Sec. 19, T. 2 S., R. 6 W., S.B.B. & M.;

Thence north along the Township line, 4 miles to the northwest corner of Sec. 6, T. 2 S., R. 6 W.. S.B.B. & M.

Thence following the northerly boundary of Riverside County easterly, southerly, easterly, southerly and easterly to the place of beginning.

SEC. 2. Section 4 of the Riverside County Flood Control and Water Conservation District Act (Ch. 1122, Stats. 1945) is amended to read:

Sec. 4. Zone Two shall comprise all that territory and area included within the following described boundaries:

Beginning at the northeast corner of Sec. 21, T. 3 S., R. 4 W., S.B.B. & M.;

Thence west on section lines, 3 miles to the southeast corner of the City of Riverside;

Thence on the limits of the City of Riverside, west 2 miles; south, 1 mile and west, 4 miles to the southwest corner of the City of Riverside at the northeast corner of Sec. 25, T. 3 S., R. 6 W., S.B.B. & M.;

Thence south on the east boundary of said section to the southeast corner thereof;

Thence west on section lines to an intersection with the southerly boundary of the Lands of the Riverside Land and Irrigating Company as shown on map recorded in Book 1, of Maps, at page 70, records of the Recorder of San Bernardino County, California;

Thence westerly along said southerly boundary to the center line of Temescal Street, as shown on said map;

Thence northwesterly along said center line of Temescal St., to the center line of the southerly drive of State Highway Route No. 43, as said center line is shown on Improvement plans of the Riverside County Highway Commission Route No. 2, on file in the office of the County Surveyor;

Thence westerly on said center line to the westerly boundary of Lot 10 in Block 63, as shown on said Map of the Riverside Land & Irrigating Company;

Thence northerly on the westerly boundary of said Lot 10, and on said westerly boundary extended northerly to the southerly line of the right of way of The Atchison, Topeka and Santa Fe Railroad;

Thence northerly in a direct line to the southwest corner of Lot 18, as shown on Assessor's Map No. 30, filed in Book 1 of Assessor's Maps, at pages 40 and 41 thereof, records of the Recorder of Riverside County, California;

Thence north on the westerly boundary of said Lot 18 to the most northerly corner of said lot at a point on the westerly boundary of Lot 1, as shown on said map;

Thence northerly along the westerly boundary of said Lot 1 in all its various courses to the northwesterly corner of said lot at a point on the northerly boundary of the Rancho El Sobrante de San Jacinto;

Thence northeasterly on said ranch line to the east boundary of Sec. 20, T. 3 S., R. 6 W., S.B.B. & M.;

Thence northerly on section lines to the northwest corner of Sec. 28, T. 2 S., R. 6 W., S.B.B. & M.;

Thence westerly along section lines two miles to the southwest corner of Sec. 19, T. 2 S., R. 6 W., S.B.B. & M.;

Thence northerly on the west boundary of said Sec. 19, to the north boundary of the Jurupa Rancho, being a point on the Riverside County line;

Thence westerly, and southerly, following the northerly and westerly boundary of Riverside County in all its various courses to its intersection with the south boundary of Sec. 20, T. 5 S., R. 6 W., S.B.B. & M.;

Thence east on section lines 8½ miles—more or less, to the southeast corner of Sec. 22, T. 5 S., R. 5 W., S.B.B. & M.;

Thence northeasterly in a straight line to the northeast corner of Sec. 13, T. 5 S., R. 5 W., S.B.B. & M.,

Thence north on section lines, 5 miles to the northwest corner of Sec. 19, T. 4 S., R. 4 W., S.B.B. & M.;

Thence east on section lines 2 miles to the southeast corner of Sec. 17, T. 4 S., R. 4 W., S.B.B. & M.;

Thence north on section lines 3 miles to the northwest corner of Sec. 4, T. 4 S., R. 4 W., S.B.B. & M.;

Thence east on the township line to the southeast corner of Sec. 33, T. 3 S., R. 4 W., S.B.B. & M.;

Thence north on section lines 3 miles to the point of beginning.

SEC. 3. Section 5 of the Riverside County Flood Control and Water Conservation District Act (Ch. 1122, Stats. 1945) is amended to read:

Sec. 5. Zone Three shall comprise all that territory and area included within the following described boundaries:

Beginning at the intersection of the southerly line of Section 20, Township 5 South, Range 6 West, S. B. B. & M., and the westerly boundary of Riverside County;

Thence east on section lines, 8.5 miles—more or less, to the southeast corner of Sec. 22, T. 5 S., R. 5 W., S.B.B. & M.;

Thence northeasterly in a straight line to the northeast corner of Sec. 13, T. 5 S., R. 5 W., S.B.B. & M.;

Thence north one mile to the northwest corner of Sec. 7, T. 5 S., R. 4 W., S.B.B. & M.;

Thence east along section lines 4 miles to the northeast corner of Sec. 10, T. 5 S., R. 4 W., S.B.B. & M.;

Thence south 2 miles to the southeast corner of Sec. 15, T. 5 S., R. 4 W., S.B.B. & M.;

Thence east one mile to the northeast corner of Sec. 23, T. 5 S., R. 4 W., S.B.B. & M.;

Thence south 3 miles to the northeast corner of Sec. 2, T. 6 S., R. 4 W., S.B.B. & M.;

Thence east one mile to the northeast corner of Sec. 1, T. 6 S., R. 4 W., S.B.B. & M.;

Thence south 5 miles to the southeast corner of Sec. 25, T. 6 S., R. 4 W., S.B B. & M.;

Thence westerly along section lines to a point on the northeasterly boundary of the map of Blocks K, L, and M, Elsinore, California, as filed in Book 4, page 174 of maps in the Office of the Recorder of San Diego County, California, said northeasterly boundary also being the northeasterly boundary of Rancho La Laguna;

Thence northwesterly along said northeasterly boundary line of map of Blocks K, L, and M to a point on the northwesterly line of Wesley Street, as shown on said map of Blocks K, L, and M;

Thence southwesterly along said northwesterly line of Wesley Street to a point on the northeasterly line of Palomar Street, as shown on said map of Blocks K, L, and M;

Thence northwesterly along said northeasterly line of Palomar Street and along the northeasterly line of Palomar Street, as shown on map of Sedco Tract No. 1, as filed in Book 10, pages 58 to 75 of maps in the Office of the Recorder of Riverside County, California, to a point on the southeasterly line of Corydon Street, as shown on said map of Blocks K, L, and M;

Thence southwesterly along said southeasterly line of Corydon Street and along the southwesterly prolongation thereof to a point on the northeasterly line of Lot 2, Block K, as shown on said map of Blocks K, L, and M;

Thence northwesterly along said northeasterly line of Lot 2 to the northwest corner thereof;

Thence southwesterly along the northwesterly line of said Lot 2 to the southwest corner thereof, said point being on the southwesterly boundary of Rancho La Laguna;

Thence northwesterly along said southwesterly boundary of Rancho La Laguna to a point on the easterly line of Section 29, Township 6 South, Range 4 West, S.B.B. & M.;

Thence southerly along section lines to a point on the northwesterly line of the Santa Rosa Rancho;

Thence southwesterly along said northwesterly line of Santa Rosa Rancho to a point on the southerly boundary of Riverside County;

Thence westerly and northerly along the boundary of Riverside County, in all its various courses, to the point of beginning.

SEC. 4. Section 6 of the Riverside County Flood Control and Water Conservation District Act (Ch. 1122, Stats. 1945) is amended to read:

Sec. 6. Zone Four shall comprise all that territory and area included within the following described boundaries:

Beginning at the northwest corner of Sec. 21, T. 2 S., R. 3 W., S.B.B. & M.;

Thence southeast in a straight line to the southeast corner of said Sec. 21;

Thence east on section lines 2 miles to the section corner;

Thence south 1 mile to the section corner;

Thence east on section lines 2 miles to the section corner;

Thence south on the section line 1 mile to the section corner;

Thence east on section lines 3 miles to the northeast corner of Sec. 3, T. 3 S., R. 2 W., S.B.B. & M.;

Thence south on section line 1 mile to the southeast corner of said Section;

Thence east on the section line 1 mile to the section corner;

Thence south on the section line 1 mile to the section corner;

Thence east on the section line 1 mile to the section corner;

Thence south on the section line 1 mile to the northwest corner of Sec. 19, T. 3 S., R. 1 W., S.B.B. & M.;

Thence east on the north line of said section 1 mile to the northeast corner of said Section;

Thence south on the east line of said section, 1 mile to the southeast corner of said Section 19;

Thence east on the section line 1 mile to the section corner;

Thence south on the section line 1 mile to the section corner,

Thence east on the section line 1 mile to the section corner;

Thence south on section lines 2 miles to the southwest corner of Sec. 3, T. 4 S., R. 1 W., S.B.B. & M.;

Thence east on section lines 6 miles to the northeast corner of Sec. 9, Township 4 S., R. 1 E., S. B B. & M.;

Thence south on the east line of said Sec. 9 to the northwest corner of Sec. 10, T. 4 S., R. 1 E., S.B.B. & M.;

Thence east on section lines 3 miles to the northeast corner of Sec. 12, T. 4 S., R. 1 E., S.B.B. & M.;

Thence south on the east line of said section to the southeast corner thereof;

Thence east on section lines 8 miles to the northeast corner of Sec. 17, T. 4 S., R. 3 E., S.B.B. & M.;

Thence south on section lines 4 miles to the section corner;

Thence east on section lines 4 miles to the southeast corner of Sec. 36, T. 4 S., R. 3 E., S.B.B. & M.;

Thence south on township lines, 12 miles—more or less, to the southeast corner of Sec. 36, T. 6 S., R. 3 E., S.B.B. & M.;

Thence west on township lines, 18 miles—more or less, to the southwest corner of Sec. 31, T. 6 S., R. 1 E., S.B.B. & M.;

Thence south to the southeast corner of Sec. 36, T. 6 S., R. 1 W., S.B.B. & M.; Thence west on the township line, 6 miles to the southwest corner of Sec. 31, T. 6 S., R. 1 W., S.B.B. & M.;

Thence north on the township line, 2 miles to the northeast corner of Sec. 25, T. 6 S., R. 2 W., S.B.B. & M.;

Thence west on section lines, 12 miles to the southwest corner of Sec. 19, T. 6 S., R. 3 W., S.B.B. & M.;

Thence north on section lines 4 miles to the northeast corner of Sec. 1, T. 6 S., R. 4 W., S.B.B. & M.;

Thence west on the north line of said Sec. 1 to the northwest corner of said section;

Thence north on section lines 3 miles to the section corner;

Thence west 1 mile to the section corner;

Thence north 2 miles to the section corner;

Thence west on section lines 4 miles to the northwest corner of Sec. 7, T. 5 S., R. 4 W., S.B.B. & M.;

Thence north on section lines 4 miles to the northwest corner of Sec. 19, T. 4 S., R. 4 W., S B.B. & M.;

Thence east on section lines 2 miles to the section corner;

Thence north on section lines 3 miles to the northwest corner of Sec. 4, T. 4 S., R. 4 W., S.B.B. & M.;

Thence east on the township line to the southeast corner of Sec. 33, T. 3 S., R. 4 W., S.B.B. & M.

Thence north on section lines 9 miles to the northwest corner of Sec. 22, T. 2 S., R. 4 W., S.B.B. & M.;

Thence east 5 miles to the point of beginning.

SEC. 5. Section 9.2 is added to the Riverside County Flood Control and Water Conservation District Act (Ch. 1122, Stats. 1945), to read:

Sec 9.2. Whenever a part only of a parcel of land is required by the district for any purpose authorized by this act and the taking thereof, and the construction of the proposed public improvement thereon, will interfere with reasonable access to the remainder, or will otherwise cause substantial damage to the remainder, the district may purchase, condemn, or otherwise acquire the whole parcel of land and may sell the remainder or exchange the same for other property required for district purposes. In lieu of such acquisition of the remainder, the district may purchase, condemn or otherwise acquire a right-of-way or real property for ingress to and egress from the remainder for use by the public, including the owner of the land.

SEC. 6. Section 23.1 is added to the Riverside County Flood Control and Water Conservation District Act (Ch. 1122, Stats. 1945), to read:

Sec. 23.1. Notwithstanding any other provisions of this act to the contrary one or more improvement districts may be formed in an area or areas to be benefited within the district without reference to the zone boundaries substantially in accordance with the provisions of this act governing the construction of any project or work of improvement in any zone of the district and bond elections, and issuance and sale of bonds for such improvement districts shall be substantially in accordance with the provisions of this act governing bond elections, and issuance and sale of bonds for zones; provided, that in its resolution of intention to undertake the project or work of improvement, the board of supervisors shall, in addition to the matters specified in Section 18, state its intent to form the improvement district and state that a map showing the exterior boundaries of the proposed improvement district in relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the county clerk and is available for inspection by any person or persons interested This map shall govern for all details as to the extent of the proposed improvement district; and provided further that the resolution of intention shall also state:

(a) The time and place for a hearing by the board of supervisors on the questions of the formation and extent of the proposed improvement district.

(b) That at the time and place specified in the resolution any person interested, including all persons owning property in the district or in the proposed improvement district, will be heard.

The provisions of this section shall only be applicable to an improvement district formed for the construction of any project or work of improvement pursuant to the exercise by the district of its powers relating to the control of flood and storm waters.

CHAPTER 1113

An act to amend Sections 3370 and 3371 of the Financial Code, relating to loans by banks to officers and directors thereof.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 3370 of the Financial Code is amended to read:

3370. A bank shall not make any loan to any officer of the bank, directly or indirectly, or to any corporation in which such officer is a stockholder, director, officer, or employee or to

any partnership of which such officer is a partner, or for the benefit of such officer or on the endorsement, surety, or guaranty of such officer, except as follows:

A loan may be made to a corporation of which the officer is a director, officer, or a minority stockholder; provided, that:

If the officer is a director or officer of such corporation or owns or controls directly or indirectly more than 10 percent of the stock of such corporation or if two or more directors or officers of the bank own or control more than 20 percent of the capital stock of such corporation,

(a) The loan is authorized or is confirmed within 40 days after the same is made by a majority of all of the directors of such bank and the affirmative vote of two-thirds of the directors of such bank present at the meeting authorizing or confirming such loan; and

(b) The loan is reported to the superintendent in the manner provided in Section 3374.

A loan may be made to an officer if such loan, together with any previous loans to the officer, does not exceed five thousand dollars ($5,000).

SEC. 2. Section 3371 of the Financial Code is amended to read:

3371. A bank shall not make any loan to a director of the bank, directly or indirectly, or to any corporation of which such director is a stockholder, officer, or employee or to any partnership of which such director is a partner or on the endorsement, surety, or guaranty of such director unless:

(a) The loan is secured by obligations of the United States or for the payment of which the faith and credit of the United States are pledged, obligations of the State of California or for the payment of which the faith and credit of the State of California are pledged, or bonds of any city, county, city and county, metropolitan water district, or school district of the State of California; or

(b) The loan is to a corporation of which such director is a stockholder, officer, or director and such director does not own or control more than 10 percent of the capital stock of the corporation and no two or more officers or directors of the bank together own or control more than 20 percent of the capital stock of the corporation; or

(c) The loan is authorized or is confirmed within 40 days after the same is made by a majority of all of the directors of the bank and the affirmative vote of two-thirds of the directors of the bank present at the meeting authorizing or confirming the loan other than the interested director who shall not vote or participate in any manner in the action of the board authorizing or confirming the loan, except that with the consent of the superintendent previously obtained in writing all directors may vote on such a loan made to any corporation or bank

where all of the outstanding shares of stock of one are owned by or held in trust for the owners of not less than 90 percent of the outstanding shares of stock of the other and where all or a majority of the directors of the borrowing corporation or bank are directors of the loaning bank; or

(d) The loan, together with any previous loans to the director, other than may have been made under subdivisions (a), (b) or (c), does not exceed five thousand dollars ($5,000).

CHAPTER 1114

An act to amend Section 70 of the Civil Code, relating to marriage.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 70 of the Civil Code is amended to read:

70. Marriage may be solemnized by any judge of a court of record or justice court in this state or by any priest, minister or rabbi of any religious denomination, of the age of 21 years or over.

SEC. 2. It is the intent of the Legislature that the amendment of Section 70 of the Civil Code made by the 1967 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

CHAPTER 1115

An act to add Article 7.3 (commencing with Section 810) to Chapter 1 of Part 2 of Division 1 of the Insurance Code, relating to the business of insurance.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Article 7.3 (commencing with Section 810) is added to Chapter 1 of Part 2 of Division 1 of the Insurance Code, to read:

Article 7.3. Servicing of Insurance Contracts

810. An admitted insurer, without first obtaining the written consent of the commissioner, shall not enter into any agree-

ment or arrangement with any nonadmitted insurer by way of sale, reinsurance, merger, consolidation, assumption, or in any other manner which results in the admitted insurer ceasing to service in this state any group insurance contract or 10 or more individual insurance contracts entered into in this state or issued for delivery in this state insuring the life or person of any resident of this state or any property in this state.

Service as used in this section includes but is not limited to:

(a) Adjustment and payment of losses.

(b) Appropriate amendment of insurance contracts as called for therein to keep the coverage consistent with current conditions.

(c) Collection of premiums.

(d) Issuance of policies, certificates and other documents, in fulfillment of prior agreements.

(e) Returning unearned premiums.

(f) Payment of cash values.

No admitted insurer shall in whole or in part or in any manner so cease to so service such insurance business without such written consent from the commissioner unless it has by valid contract arranged for an admitted insurer to perform such servicing.

This section shall not affect or modify any of the provisions of this code relating to statement credit allowed for reinsurance.

Violation of this section constitutes a failure to comply with the laws of this state regarding the governmental control of insurers within the meaning of Section 701.

CHAPTER 1116

An act to amend Section 13108 of the Health and Safety Code, relating to fire preventions.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 13108 of the Health and Safety Code is amended to read:

13108. The State Fire Marshal shall prepare and adopt regulations, not inconsistent with existing laws or ordinances relating to fire protection in the design and construction of, the means of egress and the adequacy of exits from, the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, and the installation and maintenance of equipment and furnishings that present unusual fire hazards in, any state institution or other state-owned building.

The chief of any city, county or fire protection district may enter any state institution or any other state-owned or state-occupied building for the purpose of preparing a fire suppression preplanning program.

Except as otherwise provided in this section, the State Fire Marshal shall enforce the regulations adopted by him in all state-owned buildings and state institutions throughout the state. Upon written request from the chief fire official of any city, county, or fire protection district, the State Fire Marshal may authorize such chief fire official and his authorized representatives, in their geographical area of responsibility, to make fire prevention inspections of state-owned buildings, other than state institutions, for the purpose of enforcing the regulations relating to fire and panic safety adopted by the State Fire Marshal pursuant to this section. Authorization from the State Fire Marshal shall be limited to those fire departments or fire districts which maintain a fire prevention bureau staffed by paid personnel.

Any requirement or order made by any chief fire official pursuant to this section may be appealed to the State Fire Marshal. The State Fire Marshal shall, upon receiving an appeal, determine if the requirement or order made is reasonably consistent with the fire and panic safety regulations adopted by him.

The State Fire Marshal and his salaried assistants shall not have the authority under this section to make or enforce orders, rules, or regulations regarding the design or construction of privately owned buildings occupied by the state. This section does not grant authorization to the chief of any city, county, or fire protection district to regulate or affect the design and construction, or the approval of the design and construction of any state-owned or occupied building.

CHAPTER 1117

An act to add Article 9.7 (commencing with Section 73671) to Chapter 10 of Title 8 of the Government Code, relating to municipal courts.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Article 9.7 (commencing with Section 73671) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 9.7. Fairfield-Suisun

73671. This article applies to the municipal court established in the Fairfield-Suisun Judicial District, County of Solano.

73672. There shall be one judge.

73673. There shall be one clerk who shall be the administrative officer and who shall receive the monthly salary specified in Section 73677.

73674. The clerk may appoint: (a) one chief deputy clerk; (b) four senior deputy clerks; (c) five deputy clerks II or deputy clerks I as may be determined by the judge with the concurrence of the board of supervisors. Each of these employees shall receive the monthly salary specified in Section 73677 for his classification.

73675. The Sheriff of Solano County shall serve and assist the municipal court without additional compensation. He may appoint two deputies to likewise serve and assist the court, who shall also receive no additional compensation for such service and assistance.

73676. Whenever a reference to a salary range number is made in this article, the following schedule of monthly salaries shall apply:

SALARY SCHEDULE

Salary range number	Step 1	Step 2	Step 3	Step 4	Step 5
16	$341	$358	$376	$395	$415
16½	349	367	385	405	425
17	358	376	395	415	436
17½	367	385	405	425	447
18	376	395	415	436	458
18½	385	405	425	447	469
19	395	415	436	458	481
19½	405	425	447	469	493
20	415	436	458	481	505
20½	425	447	469	493	517
21	436	458	481	505	530
21½	447	469	493	517	543
22	458	481	505	530	556
22½	469	493	517	543	570
23	481	505	530	556	584
23½	493	517	543	570	598
24	505	530	556	584	613
24½	517	543	570	598	628
25	530	556	584	613	644
25½	543	570	598	628	660
26	556	584	613	644	676
26½	570	598	628	660	693
27	584	613	644	676	710
27½	598	628	660	693	727
28	613	644	676	710	745
28½	628	660	693	727	763
29	644	676	710	745	782

73677. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set in the salary schedule contained in Section 73676.

(a) Deputy clerk I ..... Range 16
(b) Deputy clerk II ..... Range 17
(c) Senior deputy clerk ..... Range 18
(d) Chief deputy clerk ..... Range 21
(e) Clerk ..... Range 27

Each person employed on the effective date of this section in the office of the clerk, including the clerk, shall receive credit for prior continuous service in office including service in departments superseded upon the establishment of the municipal court, and his prior service shall be deemed service in the new position, provided, however, that such credit shall be given only when the judge of the court determines that the officer or employee is entitled to receive it. Officers and employees shall be appointed at the first step for the range assigned to their classification except if it is difficult to secure qualified personnel, or if a person of unusual qualifications is appointed, the judge may appoint such person at the second step of the range assigned to that classification.

In the case of the appointment of the clerk of the municipal court, the judge shall be authorized, if he deems it necessary, to appoint the clerk at a higher step, not to exceed the fifth step of the range assigned to that classification as set forth in Section 73676, and, provided further, that if the judge is unable to secure a qualified person to fulfill the position of clerk of the municipal court for a salary as hereinabove provided, then the judge with the concurrence of the board of supervisors may establish a salary at a rate not to exceed eight hundred twenty-one dollars ($821) monthly.

73678. All increases in salary shall not be given as a matter of right but only when the judge of the court determines that the officer or employee is properly entitled to receive it. Each person employed in the office of the clerk, including the clerk, may receive an increase in salary of one step of his assigned range on the first day of the month following completion of service in accordance with the following schedule:

(a) An increase in salary to the second step of his assigned range after six months of service at the first step.

(b) An increase in salary to the third step of his assigned range after six months of service at the second step.

(c) An increase in salary to the fourth step of his assigned range after 12 months of service at the third step.

(d) An increase in salary to the fifth step of his assigned range after 18 months of service at the fourth step.

Notwithstanding the foregoing provisions of this section, an officer or employee who is promoted or reclassified from one class to another class having a higher overlapping salary range shall receive at least the minimum salary of the new range, if it is greater than his salary prior to promotion or reclassification, or one step greater than his salary prior to promotion, and further, the promoted officer or employee shall be entitled to periodic increases in salary in the new class of position in accordance with time served in the various steps of the new class of position as set forth above.

73679. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 of this code and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the judge of the court and with the approval of the Board of Supervisors of the County of Solano, an officer or an employee of the court, whether appointed under the provisions of this article or under Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 of this code, may be paid any compensation which is within the ranges and increments set forth in this article in excess of or less than the maximum to which such officer or employee would otherwise be entitled under the salary range established for his classification as set forth in Section 73677. Any such salary adjustment shall not extend longer than 60 days after the final adjournment of the next succeeding regular session of the Legislature after such salary adjustment.

73679.5. Employees of the office of the clerk, including the clerk, shall have the benefits and privileges, not including compensation, provided for employees of the County of Solano in that county's salary ordinance and other ordinances and rules applicable to county employees.

Employees of the office of the clerk, except the clerk, shall be members of the County Civil Service System of the County of Solano to the extent that such membership is not contrary to the provisions of Section 5 of Article VI of the California Constitution, or any other provisions of state law.

CHAPTER 1118

An act to add Section 1422.2 to the Labor Code, relating to the State Fair Employment Practice Commission.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 1422.2 is added to the Labor Code, to read:

1422.2 (a) The commission shall notify in writing a person, employer, labor organization, or employment agency, or the agents thereof, that they are being investigated under Section 1421, either at the time of initial contact or within 45 days, whichever first occurs.

(b) After a verified complaint has been filed under Section 1422 or a Section 1421 investigation has been commenced, and the preliminary investigation thereof has been carried out, or a 45-day period has elapsed from the filing of the verified complaint or the commencement of the Section 1421 investigation, if the preliminary investigation has not then been completed, an appropriate superior court may, upon motion of the respondent or party under investigation, order the commission to give to the respondent or party under investigation, within a specified time, a copy of any book, document, or paper, or any entries therein, in the possession or under the control of the commission, containing evidence relating to the merits of the verified complaint or the Section 1421 investigation, or to a defense thereto. The commission shall comply with such an order.

CHAPTER 1119

An act to amend Sections 73972, 73973, 73974, 74262, 74263 and 74264 of the Government Code, relating to municipal court attachés.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 73972 of the Government Code is amended to read:

73972. There shall be one clerk of the municipal court, who shall be the administrative officer of the court, and who may appoint one assistant clerk of the municipal court, two municipal court clerks, one principal clerk, one senior stenographer clerk, three senior clerks, four intermediate clerks and two clerks.

SEC. 1.5. Section 73973 of the Government Code is amended to read:

73973. There shall be one marshal who shall receive a monthly salary of eight hundred twenty-five dollars ($825) and who may appoint five deputy marshals, two intermediate clerks, and one clerk.

SEC. 2. Section 73974 of the Government Code is amended to read:

73974. Whenever reference to a salary range is made in this article, the following schedule of monthly salaries shall apply:

Range	Salary Steps								
No.	A	1	B	2	C	3	D	4	E
22	351	360	369	378	387	397	407	417	427
23	360	369	378	387	397	407	417	427	438
24	369	378	387	397	407	417	427	438	449
25	378	387	397	407	417	427	438	449	460
26	387	397	407	417	427	438	449	460	471
27	397	407	417	427	438	449	460	471	483
28	407	417	427	438	449	460	471	483	495
29	417	427	438	449	460	471	483	495	507
30	427	438	449	460	471	483	495	507	519
31	438	449	460	471	483	495	507	519	532
32	449	460	471	483	495	507	519	532	545
33	460	471	483	495	507	519	532	545	559
34	471	483	495	507	519	532	545	559	573
35	483	495	507	519	532	545	559	573	587
36	495	507	519	532	545	559	573	587	601
37	507	519	532	545	559	573	587	601	616
38	519	532	545	559	573	587	601	616	631
39	532	545	559	573	587	601	616	631	647
40	545	559	573	587	601	616	631	647	663
41	559	573	587	601	616	631	647	663	679
42	573	587	601	616	631	647	663	679	696
43	587	601	616	631	647	663	679	696	713
44	601	616	631	647	663	679	696	713	731
45	616	631	647	663	679	696	713	731	749
46	631	647	663	679	696	713	731	749	767
47	647	663	679	696	713	731	749	767	786
48	663	679	696	713	731	749	767	786	805
49	679	696	713	731	749	767	786	805	825
50	696	713	731	749	767	786	805	825	845
51	713	731	749	767	786	805	825	845	866
52	731	749	767	786	805	825	845	866	887
53	749	767	786	805	825	845	866	887	909
54	767	786	805	825	845	866	887	909	931
55	786	805	825	845	866	887	909	931	954
56	805	825	845	866	887	909	931	954	978
57	825	845	866	887	909	931	954	978	1,002
58	845	866	887	909	931	954	978	1,002	1,027

Range	Salary Steps								
No.	A	1	B	2	C	3	D	4	E
59	866	887	909	931	954	978	1,002	1,027	1,052
60	887	909	931	954	978	1,002	1,027	1,052	1,078
61	909	931	954	978	1,002	1,027	1,052	1,078	1,105
62	931	954	978	1,002	1,027	1,052	1,078	1,105	1,132

The administration of the salary plan provided by this article including the hiring rate; increases within range; salary on promotion; transfer or demotion; salary on position reclassification and all other relevant matters shall be in accordance with the personnel rules and ordinances of the County of San Bernardino.

The job classifications and the number of the salary range which constitutes the compensation for each job classification is shown below:

Job classification	Range
Clerk of the municipal court II	57
Clerk of the municipal court I	55
Assistant clerk of the municipal court II	45
Assistant clerk of the municipal court I	43
Municipal court clerk	40
Municipal court clerk assistant	36
Principal clerk	35
Senior stenographer clerk	34
Fiscal assistant	33
Senior clerk	32
Stenographer clerk	28
Intermediate clerk	26
Clerk	22
Chief deputy marshal II	46
Deputy marshal	43
Bailiff	37

Notwithstanding any other provisions of law, the salary and classifications of municipal court employees may be increased or decreased within the limits set forth in this section in order to provide classification and compensation that is comparable to county employees of similar qualifications and experience in the classified service of San Bernardino County as such comparability is determined by the civil service commission and the board of supervisors.

The officers and attachés of the municipal court shall be subject to the same or similar obligations and be granted the same or similar employee benefits as are required of or granted to employees of the County of San Bernardino.

SEC. 2.5. Section 74262 of the Government Code is amended to read:

74262. There shall be one clerk of the municipal court, who shall be the administrative officer of the court, who may appoint one assistant clerk of the municipal court, two municipal court chief clerks, one municipal court calendar and jury coordinator, five municipal court clerks, one municipal court clerk assistant, one senior stenographer-clerk, one fiscal assistant, five senior clerks, 12 intermediate clerks, one stenographer-clerk and three clerks.

SEC. 3. Section 74263 of the Government Code is amended to read:

74263. There shall be one marshal, who shall receive a salary of eight hundred eighty-seven dollars ($887) per month, and who may appoint one chief deputy marshal, three deputy marshals, one chief civil process clerk, four bailiffs, and two intermediate clerks.

SEC. 4. Section 74264 of the Government Code is amended to read:

74264. Whenever reference to a salary range is made in this article, the following schedule of monthly salaries shall apply:

Range	Salary Steps								
No.	A	1	B	2	C	3	D	4	E
22	351	360	369	378	387	397	407	417	427
23	360	369	378	387	397	407	417	427	438
24	369	378	387	397	407	417	427	438	449
25	378	387	397	407	417	427	438	449	460
26	387	397	407	417	427	438	449	460	471
27	397	407	417	427	438	449	460	471	483
28	407	417	427	438	449	460	471	483	495
29	417	427	438	449	460	471	483	495	507
30	427	438	449	460	471	483	495	507	519
31	438	449	460	471	483	495	507	519	532
32	449	460	471	483	495	507	519	532	545
33	460	471	483	495	507	519	532	545	559
34	471	483	495	507	519	532	545	559	573
35	483	495	507	519	532	545	559	573	587
36	495	507	519	532	545	559	573	587	601
37	507	519	532	545	559	573	587	601	616
38	519	532	545	559	573	587	601	616	631
39	532	545	559	573	587	601	616	631	647
40	545	559	573	587	601	616	631	647	663
41	559	573	587	601	616	631	647	663	679
42	573	587	601	616	631	647	663	679	696
43	587	601	616	631	647	663	679	696	713
44	601	616	631	647	663	679	696	713	731
45	616	631	647	663	679	696	713	731	749
46	631	647	663	679	696	713	731	749	767
47	647	663	679	696	713	731	749	767	786
48	663	679	696	713	731	749	767	786	805
49	679	696	713	731	749	767	786	805	825
50	696	713	731	749	767	786	805	825	845
51	713	731	749	767	786	805	825	845	866

Range No.	Salary Steps A	1	B	2	C	3	D	4	E
52	731	749	767	786	805	825	845	866	887
53	749	767	786	805	825	845	866	887	909
54	767	786	805	825	845	866	887	909	931
55	786	805	825	845	866	887	909	931	954
56	805	825	845	866	887	909	931	954	978
57	825	845	866	887	909	931	954	978	1,002
58	845	866	887	909	931	954	978	1,002	1,027
59	866	887	909	931	954	978	1,002	1,027	1,052
60	887	909	931	954	978	1,002	1,027	1,052	1,078
61	909	931	954	978	1,002	1,027	1,052	1,078	1,105
62	931	954	978	1,002	1,027	1,052	1,078	1,105	1,132
63	954	978	1,002	1,027	1,052	1,078	1,105	1,132	1,160
64	978	1,002	1,027	1,052	1,078	1,105	1,132	1,160	1,189
65	1,002	1,027	1,052	1,078	1,105	1,132	1,160	1,189	1,218
66	1,027	1,052	1,078	1,105	1,132	1,160	1,189	1,218	1,248

The administration of the salary plan provided by this article including the hiring rate; increases within range; salary on promotion, transfer or demotion; salary on position reclassification and all other relevant matters shall be in accordance with the Personnel Rules and Ordinances of the County of San Bernardino.

The job classifications and the number of the salary range which constitutes the compensation for each job classification is shown below:

Job classification	Salary Schedule No.
Clerk of the municipal court IV	61
Assistant clerk of the municipal court IV	49
Municipal court chief clerk	44
Municipal court calendar and jury coordinator	44
Municipal court clerk	40
Municipal court clerk assistant	36
Principal clerk	35
Senior stenographer clerk	34
Fiscal assistant	33
Senior Clerk	32
Stenographer clerk	28
Intermediate clerk	26
Clerk	22
Chief deputy marshal	49
Chief civil process clerk	40
Deputy marshal	43
Bailiff	37

Notwithstanding any other provisions of law, the salary and classifications of municipal court employees may be increased or decreased within the range limits set forth in this section in order to provide classification and compensation that is comparable to county employees of similar qualifications and

experience in the classified service of San Bernardino County as such comparability is determined by the civil service commission and the board of supervisors.

The officers and attachés of the municipal court shall be subject to the same or similar obligations and be granted the same or similar employee benefits as are required of or granted to employees of the County of San Bernardino.

CHAPTER 1120

An act to amend Section 25509 of, and to add Sections 25518, 25519, 25520, 25521, and 26018 to, the Corporations Code, relating to securities.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 25509 of the Corporations Code is amended to read:

25509. The commissioner may act as escrow holder for securities required to be deposited in escrow by his order. When so acting the commissioner may, as to certificates evidencing the securities of any corporation organized under the laws of this state, whose charter has been suspended for a period of not less than two years for nonpayment of taxes or penalties pursuant to any laws of this state, destroy any such certificates and other records pertaining to such escrow and shall have no further liability or accountability therefor. However, he shall maintain thereafter a record as to each certificate so destroyed, setting forth the name of the issuer; the name of the holder as appearing on the certificate at the time of its destruction; the class, type or series of the security; the number of shares, units or the face amount in the name of each such issue; and such other information as he deems appropriate. The commissioner shall, upon request, furnish a copy of such record, and such record, when certified by the commissioner as being a true record, shall constitute prima facie evidence as to the matters therein set forth.

SEC. 1.5. Section 25518 is added to the Corporations Code, to read:

25518. Upon application in accordance with this division, the commissioner may issue a curative permit authorizing the issuance and sale of any security previously issued or sold without a permit, or in nonconformity with any provision of a permit previously obtained. The commissioner shall issue a curative permit only if he finds that the plan of business of applicant and the issuance of the curative permit are fair, just, and equitable and that the applicant is transacting and intends

to transact its business fairly and honestly and that in his opinion the issuance of the curative permit will not work a fraud upon the holders of any of the issued and outstanding securities of applicant.

SEC. 2. Section 25519 is added to the Corporations Code, to read:

25519. A curative permit issued pursuant to Section 25518 shall be effective as of the date upon which the securities authorized thereby were first issued and sold, and the provisions of Section 26100 shall not apply to such securities.

SEC. 3. Section 25520 is added to the Corporations Code, to read:

25520. The issuance or denial of a curative permit shall have no effect on the criminal liability of any person nor upon any cause of action other than that based upon the provisions of Section 26100.

SEC. 4. Section 25521 is added to the Corporations Code, to read:

25521. (a) When an application for a curative permit has been filed, the applicant may, in any civil proceeding pending in a court of original jurisdiction, move for a stay of proceedings, with respect to any issue which turns on the provisions of Section 26100. Where the applicant is not a party to such proceedings he shall be permitted to intervene.

A copy of the application shall be attached to the notice of motion, and supplementary affidavits may also be attached.

(b) The court shall stay all proceedings relating to any issues which turn on the provisions of Section 26100 until the commissioner has granted or denied the permit and the grant or denial has become final if the court finds that the application and affidavits, if any, state facts showing that the commissioner has jurisdiction of the application and that there is a prima facie basis for the finding required by Section 25518.

SEC. 5. Section 26018 is added to the Corporations Code, to read:

26018. The fee for filing an application for a curative permit shall be fifty dollars ($50), plus a sum, as estimated by the commissioner, to cover the actual expense of giving notice and holding any hearing held in connection therewith, plus a fee computed in accordance with Section 26003 less any fee previously paid thereunder for such security.

CHAPTER 1121

An act to amend Section 3215 of the Public Resources Code, relating to oil and gas.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 3215 of the Public Resources Code is amended to read:

3215. Upon the completion of any well or upon the suspension of operations upon any well, for a period of six months if it has been designated by the supervisor as a prospect well, or for a period of 30 days if it has not been so designated, copies of the log, core record, and history in duplicate, and one copy of the electric log if made, and directional survey if made, shall be filed with the district deputy within 10 days after such completion, or within 10 days after the expiration of said 6-month or 30-day period. The log, core record, and history shall be in such form as the supervisor may direct. Like copies shall be filed upon the completion of additional work in any well. Upon a showing of hardship, additional time within which to comply with the provisions of this section may be granted by the supervisor.

SEC. 2. The requirement of this act that the directional survey if made be filed shall apply only to wells commenced after the effective date of this act.

CHAPTER 1122

An act to add Section 263.9 to the Streets and Highways Code, relating to state scenic highways.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 263.9 is added to the Streets and Highways Code, to read:

263.9. The state scenic highway system shall also include State Highway Route 27 between Route 1 and Route 268.

CHAPTER 1123

An act to amend Sections 74803, 74804, 74807, and 74808 of the Government Code, relating to municipal court attachés.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 74803 of the Government Code is amended to read:

74803. The clerk may appoint:

(a) One deputy clerk who shall be assistant administrative officer and chief deputy.

(b) Five deputy clerks IV.

(c) Five deputy clerks III.

(d) One deputy clerk III (stenographer).

(e) Four deputy clerks II.

(f) Ten deputy clerks I.

SEC. 2. Section 74804 of the Government Code is amended to read:

74804. There shall be one marshal who shall receive nine hundred fifty dollars ($950) a month.

SEC. 3. Section 74807 of the Government Code is amended to read:

74807. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 74806:

(a) Deputy clerk I	Range 19
(b) Deputy clerk II	Range 21
(c) Deputy clerk III	Range 23
(d) Deputy clerk III (stenographer)	Range 23
(e) Deputy clerk IV	Range 26
(f) Chief deputy clerk	Range 31
(g) Clerk	Range 38
(h) Deputy marshal I	Range 19
(i) Deputy marshal II	Range 23
(j) Deputy marshal III	Range 27
(k) Assistant marshal	Range 31

Each person employed in the clerk's office or marshal's office on September 20, 1963, including the clerk but not including the marshal, shall receive credit for prior continuous service in office (including service in departments superseded upon the establishment of the municipal court), and shall receive instead of the minimum rate established for his salary range, a salary increased by one step on the range for each full year of prior service up to the maximum step on his salary range.

Subject to the provisions of the San Joaquin County Salary Ordinance, each person employed in the clerk's office or marshal's office, including the clerk but not including the marshal, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 4. Section 74808 of the Government Code is amended to read:

74808. Certain classifications in the clerk's office and marshal's office are deemed to be equivalent in job and salary level to certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the comparable classification in the clerk's office or marshal's office, as well as the related classifications hereinafter listed, shall be adjusted an equal number of ranges on the salary schedule. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until 90 days after the adjournment of the next succeeding regular session of the Legislature.

(a) The classes of deputy clerk I and deputy marshal I are equivalent in job and salary level to the class of clerk-typist II in the service of San Joaquin County. Whenever the class of clerk-typist II is adjusted, the classes of deputy clerk I, deputy clerk II, deputy clerk III, deputy marshal I, and deputy marshal II shall be adjusted an equal number of ranges on the salary schedule.

(b) The class of deputy clerk III (stenographer) is equivalent in job and salary to the class of clerk stenographer III in the service of San Joaquin County. Whenever the class of clerk stenographer III is adjusted, the class of deputy clerk III (stenographer) shall be adjusted an equal number of ranges on the salary scale.

(c) The class of deputy clerk IV is equivalent in job and salary level to the class of superior court clerk in the service of San Joaquin County. Whenever the class of superior court clerk is adjusted, the classes of deputy clerk IV, chief deputy clerk and clerk shall be adjusted an equal number of ranges on the salary schedule.

(d) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal III and assistant marshal shall be adjusted an equal number of ranges on the salary schedule.

CHAPTER 1124

An act to amend Sections 3050, 3051, 3053, 3102, 3104, 3105, 3106, 3107, 3108, and 3151 of, to amend the headings of Article 2 (commencing with Section 3050) and Article 3 (commencing with Section 3100) of Chapter 1 of Division 3 of, to repeal Section 3007 of, and to add Sections 3103.5 and 3106.5 to, the Welfare and Institutions Code, relating to narcotic commitments.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. The heading of Article 2 (commencing with Section 3050) of Chapter 1 of Division 3 of the Welfare and Institutions Code is amended to read:

Article 2. Involuntary Commitment of Persons Convicted of a Crime

SEC. 2. Section 3007 of the Welfare and Institutions Code is repealed.

SEC. 3. Section 3050 of the Welfare and Institutions Code is amended to read:

3050. Upon conviction of a defendant of any crime in a municipal or justice court, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics, such judge shall adjourn the proceedings or suspend the imposition of the sentence, certify the defendant to the superior court and order the district attorney to file a petition for a commitment of the defendant to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility.

Upon the filing of such a petition, the superior court shall order the defendant to be examined by two physicians. At least one day before the time of the examination as fixed by the court order, a copy of the petition and order for examination shall be personally delivered to the defendant. A written report of the examination by the physicians shall be delivered to the court, and if the report is to the effect that the person is not addicted nor in imminent danger of addiction, it shall so certify and return the defendant to the municipal or justice court which certified such defendant to the superior court for such further proceedings as the judge of such municipal or justice court deems warranted. If the report is to the effect that the defendant is addicted or is by reason of the repeated use of narcotics in imminent danger of addiction, further proceedings shall be conducted in compliance with Sections 3104, 3105, 3106, and 3107 of Article 3.

If, after a hearing, the judge finds that the defendant is a narcotic addict, or is by reason of the repeated use of narcotics in imminent danger of becoming addicted thereto, and is not ineligible for the program under the application of Section 3052 hereof, he shall make an order committing such defendant to the custody of the Director of Corrections for confinement in the facility until such time as he is discharged pursuant to Article 5 of this chapter, except as this chapter permits earlier discharge. In any case to which Section 3052 applies, the judge may request the district attorney to investigate the facts relevant to the advisability of commitment pursuant to this section. In unusual cases, wherein the interest of justice would best be served, the judge may, with the concurrence of the district attorney and defendant, order commitment notwithstanding Section 3052. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the municipal or justice court which certified such defendant to the superior court for such further proceedings as the judge of such municipal or justice court deems warranted.

If a person committed pursuant to this section is dissatisfied with the order of commitment, he may within 10 days after the making of such order, file a written demand for a jury trial in compliance with Section 3108.

SEC. 4. Section 3051 of the Welfare and Institutions Code is amended to read:

3051. Upon conviction of a defendant for any crime in any superior court, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics he shall adjourn the proceedings or suspend the imposition of the sentence and order the district attorney to file a petition for commitment of the defendant to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility unless, in the opinion of the judge, the defendant's record and probation report indicate such a pattern of criminality that he does not constitute a fit subject for commitment under this section.

Upon the filing of such a petition, the court shall order the defendant to be examined by two physicians. At least one day before the time of the examination as fixed by the court order, a copy of the petition and order for examination shall be personally delivered to the defendant. A written report of the examination by the physicians shall be delivered to the court, and if the report is to the effect that the person is not addicted nor in imminent danger of addiction, it shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further proceedings on the criminal charges as the judge of such department deems warranted. If the report is to the effect that the defendant is addicted or is by reason of the

repeated use of narcotics in imminent danger of addiction, further proceedings shall be conducted in compliance with Sections 3104, 3105, 3106, and 3107.

If, after a hearing, the judge finds that the defendant is a narcotic addict, or is by reason of the repeated use of narcotics in imminent danger of becoming addicted to narcotics, he shall make an order committing such person to the custody of the Director of Corrections for confinement in the facility until such time as he is discharged pursuant to Article 5 of this chapter, except as this chapter permits earlier discharge. In any case to which Section 3052 applies, the judge may request the district attorney to investigate the facts relevant to the advisability of commitment pursuant to this section. In unusual cases, wherein the interest of justice would best be served, the judge may, with the concurrence of the district attorney and defendant, order commitment notwithstanding Section 3052. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further proceedings on the criminal charges as the judge of such department deems warranted.

If a person committed pursuant to this section is dissatisfied with the order of commitment he may within 10 days after the making of such order file a written demand for a jury trial in compliance with Section 3108.

SEC. 5. Section 3053 of the Welfare and Institutions Code is amended to read:

3053. If at any time after 60 days following receipt at the facility of a person committed pursuant to this article, the Director of Corrections concludes that the person, because of excessive criminality or for other relevant reason, is not a fit subject for confinement or treatment in such narcotic detention, treatment and rehabilitation facility, he shall return the person to the court in which the case originated for such further proceedings on the criminal charges as that court may deem warranted.

SEC. 6. The heading of Article 3 (commencing with Section 3100) of Chapter 1 of Division 3 of the Welfare and Institutions Code is amended to read:

Article 3. Involuntary Commitment of Persons Not Convicted of a Crime

SEC. 7. Section 3102 of the Welfare and Institutions Code is amended to read:

3102. Upon the filing of a proper petition pursuant to Section 3100, the court shall order the person sought to be committed to be examined by two physicians. Upon the filing of a proper petition pursuant to Section 3100.6, accompanied by the affidavit of the examining physician, the court need not

order the person sought to be committed to be examined by any other physician or physicians. The court may also order that the person be confined pending hearing in a county hospital or other suitable institution designated by the board of supervisors of the county if the petition is accompanied by the affidavit of a physician alleging that he has examined such person within 72 hours prior to the filing of the petition, excluding Saturdays, Sundays, and judicial holidays, and has concluded that, unless confined, such person is likely to injure himself or others or become a menace to the public. In any case in which a person is so ordered to be confined, it shall be the duty of the person in charge of the institution to provide the person ordered confined with medical aid as necessary to ease any symptoms of withdrawal from the use of narcotics. Such medical aid shall not be administered by a peace officer who is not licensed as a physician and surgeon.

SEC. 7.5. Section 3103.5 is added to the Welfare and Institutions Code, to read:

3103.5. Upon an order by the court that a person be examined, the court shall appoint two physicians to examine the person to determine whether the person is addicted to narcotics or in imminent danger of becoming addicted thereto.

A written report of the examination by the physicians shall be delivered to the court, and if the report is to the effect that the person is not addicted nor in imminent danger of addiction, it shall order the petition dismissed.

SEC. 8. Section 3104 of the Welfare and Institutions Code is amended to read:

3104. If the report is to the effect that the person is addicted or is by reason of the repeated use of narcotics in imminent danger of addiction, the person shall be taken before the judge, who shall then inform him of his right to be represented by counsel, to make a defense to the petition, to produce witnesses in his behalf, and to cross-examine witnesses. If he is financially unable to employ counsel the judge shall appoint counsel to represent him, and in a county where there is no public defender or where the judge finds that the public defender has properly refused to represent the person, the judge shall fix the compensation to be paid by the county for such services. The judge shall by order fix such time and place for the hearing in open court as will give a reasonable opportunity for the production and examination of witnesses.

SEC. 9. Section 3105 of the Welfare and Institutions Code is amended to read:

3105. The court may issue subpoenas for attendance of witnesses at the hearing and the person sought to be committed shall have the right to have subpoenas issued for such purpose.

SEC. 10. Section 3106 of the Welfare and Institutions Code is amended to read:

3106. At the hearing the court shall determine whether the person is addicted to the use of narcotics or is by reason of the repeated use of narcotics in imminent danger of addiction.

The court shall compel the attendance of the physicians who conducted the examination required by Section 5050, 5051, 3100.6 or 3102, who shall testify as to the result of the examination, unless the presence of the physicians is waived and it is stipulated that their affidavit or report may be received in evidence.

SEC. 11. Section 3106.5 is added to the Welfare and Institutions Code, to read:

3106.5. If the court determines that the person is not addicted to the use of narcotics, or in imminent danger of addiction, the petition shall be denied. If the court determines that the person is addicted to the use of narcotics or is by reason of the repeated use of narcotics in imminent danger of addiction, the court shall order the person committed to the custody of the Director of Corrections, until such time as he is discharged in accordance with Article 5 of this chapter, except as provided in Section 3109.

SEC. 12. Section 3107 of the Welfare and Institutions Code is amended to read:

3107. Hearing may be waived by consent of the person, expressed in open court or in writing by the person after the arraignment required by Section 3104 and after consultation with counsel.

SEC. 13. Section 3108 of the Welfare and Institutions Code is amended to read:

3108. If the person so committed or any friend in his behalf is dissatisfied with the order of commitment, he may within 10 days after the making of such order, file a written demand that the question of his addiction or imminent danger of addiction be tried by a jury in the superior court of the county in which he was committed. Thereupon, the court shall cause a jury to be summoned and to be in attendance at a date stated, not less than 4 days nor more than 30 days from the date of the demand for a jury trial. The court shall submit to the jury the question: Is the person addicted to the use of narcotics or is he by reason of the repeated use of narcotics in imminent danger of addiction? The order of commitment entered pursuant to Sections 3050, 3051, or 3106.5 shall not be read to the jury, nor alluded to in such trial. The trial shall be had as provided by law for the trial of civil cases and the petition shall be dismissed unless a verdict that the person is addicted or in imminent danger of addiction is found by at least three-fourths of the jury.

The person committed shall be awarded all his constitutional rights including, but not limited to, his right to counsel, his right to notice of the nature of the proceedings brought against him, his right to the process of the court to compel the attendance of witnesses in his behalf, and his right to be confronted with witnesses.

SEC. 14. Section 3151 of the Welfare and Institutions Code is amended to read:

3151. After an initial period of observation and treatment of six months, and subject to the rules and policies established by the Director of Corrections, whenever a person committed under Article 2 or Article 3 of this chapter has recovered from his addiction or imminent danger of addiction to such an extent that, in the opinion of the Director of Corrections, release in an outpatient status is warranted, the director shall certify such fact to the authority. If the director has not so certified within the preceding 12 months, in the anniversary month of the commitment of any person committed under this chapter his case shall automatically be referred to the authority for consideration of the advisability of release in outpatient status. Upon any such certification by the director or such automatic certification, the authority may release such person in an outpatient status subject to all rules and regulations adopted by the authority, and subject to all conditions imposed by the authority, whether of general applicability or restricted to the particular person released in outpatient status, and subject to being retaken and returned to inpatient status as prescribed in such rules, regulations, or conditions. The supervision of such persons while in an outpatient status shall be administered by the Department of Corrections. Such persons are not subject to the provisions of Penal Code Section 2600.

A single member of the authority may by written or oral order suspend the release in outpatient status of such a person and cause him to be retaken, until the next meeting of the authority.

It is hereby made the duty of all peace officers to execute any such order in like manner as ordinary criminal process.

CHAPTER 1125

An act to add Sections 659 and 660 to the Education Code, relating to county boards of education.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 659 is added to the Education Code, to read:

659. Any county board of education may secure copyrights, in the name of the board, to all copyrightable works developed by the board, and royalties or revenue from such copyrights are to be for the benefit of the board securing such copyrights.

SEC. 2. Section 660 is added to the Education Code, to read:

660. Any county board of education may, in accordance with regulations adopted by the board and for educational use, sell, give, or exchange for similar published materials,

published materials prepared by the board in connection with the curricular and special services that the board is authorized to perform. Unless restricted by the regulations of the board, the sale or gift may be made to, and the exchange may be made with, any person, political subdivision, public officer or agency, or educational institution The distribution of the published material in accordance with this section is declared to be a public purpose and in furtherance of Section 1 of Article IX of the Constitution.

Any county board of education may also license the use of copyrights held by the board, to the same persons or entities and for the same purposes as provided in the prior paragraph.

The board shall grant such a license to any public agency organized under the authority of this state, unless an exclusive license has previously been granted a private publisher.

Any charge which may be assessed such a public agency for the license to use the copyright or for materials, to which the board holds the copyright, shall not exceed the cost to the board of the preparation and reproduction of the materials.

Any granting of a license, by a county board of education, to reproduce copyrighted material is declared to be for a public purpose in furtherance of Section 1 of Article IX of the Constitution.

CHAPTER 1126

An act to amend Section 978 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 978 of the Unemployment Insurance Code is amended to read:

978. Whenever the balance in the Unemployment Fund on December 31st of any calendar year equals or exceeds 5 percent of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates.

If, as of the computation date, the employer's net balance of reserve equals or exceeds that percentage of his average base payroll which appears on any line in column 1 of the following table, but is less than that percentage of his average base payroll which appears on the same line in column 2 of that table, his contribution rate shall be the figure appearing on that same line in column 3 of that table.

Line	Reserve balance Column 1	Column 2	Contribution rate Column 3
1	0%	1.0%	2.7%
2	1.0%	2.0%	2.6%
3	2.0%	3.0%	2.5%
4	3.0%	4.0%	2.4%
5	4.0%	5.0%	2.3%
6	5.0%	6.0%	2.2%
7	6.0%	7.0%	2.1%
8	7.0%	8.0%	2.0%
9	8.0%	9.0%	1.8%
10	9.0%	10.0%	1.6%
11	10.0%	11.0%	1.4%
12	11.0%	12.0%	1.2%
13	12.0%	13.0%	1.0%
14	13.0%	14.0%	0.8%
15	14.0%	15.0%	0.6%
16	15.0%	16.0%	0.4%
17	16.0%	17.0%	0.2%
18	17.0%	100% or more	0.0

SEC. 2. The provisions of Section 978 as amended by this act shall be effective January 1, 1968. If otherwise applicable, the provisions of Section 978 shall apply to contributions paid beginning with the rating period of the calendar year 1968 and shall not be applicable to contributions paid for any prior rating period.

CHAPTER 1127

An act to add Article 4 (commencing with Section 13180) to Part 2 of Division 12 of the Health and Safety Code, relating to the handling of flammable liquids.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Article 4 (commencing with Section 13180) is added to Part 2 of Division 12 of the Health and Safety Code, to read:

Article 4. Administration

13180. For purposes of this article, "flammable liquids" shall mean any liquid having a flash point below 200° F as determined in accordance with Section 324 of the Vehicle Code. The provisions of this article also apply to liquids having a flash point of 200° F or higher when such liquids, upon being heated, assume the characteristics of a flammable liquid.

13181. The State Fire Marshal shall prepare and adopt regulations in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11370) of the Government Code, which in his judgment are designed to promote the safe use of portable internal combustion engine-driven pumps used for the transfer of flammable liquids.

13182. The authority for the enforcement of the provisions of this article shall be in accordance with Sections 13145 and 13146, Health and Safety Code.

13183. No person, firm, or corporation shall use, permit, or instruct any other person to use or permit, any portable internal combustion engine-driven pump used for the transfer of any flammable liquids unless such pump conforms to the regulations adopted by the State Fire Marshal.

SEC. 2. This act shall become operative July 1, 1968.

CHAPTER 1128

An act to add Section 2190.2 to, to repeal Sections 2190 and 2191 of, and to amend Sections 2191.3, 2191.4 and 2191.5 of the Revenue and Taxation Code, relating to the taxation of property.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 2190.2 is added to the Revenue and Taxation Code, to read:

2190.2. Every tax on an assessment of a possessory interest or a tax on an assessment of improvements made pursuant to the provisions of Section 2188.2 shall become a lien on such possessory interest or such improvements, provided that in those instances where the real property that is the subject of such possessory interest or upon which such improvements are located is not tax-exempt land, the fact of such lien shall be indicated on the secured roll where the real property that is the subject of such possessory interest or upon which such improvements are located is listed.

SEC. 2. Section 2190 of the Revenue and Taxation Code is repealed.

SEC. 3. Section 2191 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 2191.3 of the Revenue and Taxation Code is amended to read:

2191.3. Where there is a tax on:

(a) A possessory interest secured only by a lien on such taxed possessory interest, or on

(b) Goods in transit, not secured by any lien on real property, or on

(c) Improvements that have been assessed pursuant to the provisions of Section 2188.2, or on

(d) Unsecured property not secured by a lien on any real property, and such tax has become delinquent, the tax collector or assessor collecting the tax on such possessory interests, goods in transit, such improvements or unsecured property may file for record without fee in the office of the county recorder of any county a certificate specifying the amount of the respective possessory interest tax, goods in transit tax, such tax on improvements or unsecured property tax due, interest and penalties due, the name and last known address of the assessee liable for the amount, and the fact, if such be the fact, that all provisions of this division in the computation and levy of the tax have been complied with. The procedure authorized by this section is cumulative to the procedure provided by Sections 2914 and 3003.

SEC. 5. Section 2191.4 of the Revenue and Taxation Code is amended to read:

2191.4. From the time of filing the certificate for record pursuant to Section 2191.3, the amount required to be paid together with interest and penalty constitutes a lien upon all personal and real property in the county owned by and then assessed to and in the same name as the assessee named in such certificate or acquired by him in such name before the lien expires, except that the lien upon unsecured property shall not be valid against a purchaser for value or encumbrancer without actual knowledge of the lien when he acquires his interest in the property. The lien has the force, effect, and priority of a judgment lien and continues for 10 years from the time of the recording of the certificate unless sooner released or otherwise discharged.

Within 10 years from the date of the recording of the certificate or within 10 years from the date of the last extension of the lien, the lien may be extended by filing for record a new certificate in the office of any county recorder and from the time of such filing the lien as obtained under the original certificate shall be extended to all personal and real property in the county owned by the assessee for 10 years unless sooner released or otherwise discharged.

SEC. 6. Section 2191.5 of the Revenue and Taxation Code is amended to read:

2191.5. Section 2191.4 does not give the county a preference over any other lien which attached prior to the date when the certificate of delinquency of unsecured property tax, tax on possessory interest, tax on goods in transit or such tax on improvements respectively, was recorded, and the lien set forth in Section 2191.4 is subordinate to the preferences given to claims for personal services by Sections 1204 and 1206 of the Code of Civil Procedure.

CHAPTER 1129

An act to amend Sections 74918.2, 74918.3, and 74918.4 of the Government Code, relating to municipal courts.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 74918.2 of the Government Code is amended to read:

74918.2. There shall be one clerk of the municipal court, who shall be the administrative officer of the court, who may appoint one assistant clerk of the municipal court, one municipal court clerk, three senior clerks, and three intermediate clerks.

SEC. 2. Section 74918.3 of the Government Code is amended to read:

74918.3. There shall be one marshal who shall receive a monthly salary of seven hundred eighty-six dollars ($786) and who may appoint two deputy marshals and one senior clerk.

SEC. 3. Section 74918.4 of the Government Code is amended to read:

74918.4. Whenever reference to a salary range is made in this article, the following schedule of monthly salary shall apply.

Range	Salary Steps								
No.	A	1	B	2	C	3	D	4	E
22	351	360	369	378	387	397	407	417	427
23	360	369	378	387	397	407	417	427	438
24	369	378	387	397	407	417	427	438	449
25	378	387	397	407	417	427	438	449	460
26	387	397	407	417	427	438	449	460	471
27	397	407	417	427	438	449	460	471	483
28	407	417	427	438	449	460	471	483	495
29	417	427	438	449	460	471	483	495	507
30	427	438	449	460	471	483	495	507	519
31	438	449	460	471	483	495	507	519	532
32	449	460	471	483	495	507	519	532	545
33	460	471	483	495	507	519	532	545	559
34	471	483	495	507	519	532	545	559	573
35	483	495	507	519	532	545	559	573	587
36	495	507	519	532	545	559	573	587	601
37	507	519	532	545	559	573	587	601	616
38	519	532	545	559	573	587	601	616	631
39	532	545	559	573	587	601	616	631	647
40	545	559	573	587	601	616	631	647	663
41	559	573	587	601	616	631	647	663	679
42	573	587	601	616	631	647	663	679	696
43	587	601	616	631	647	663	679	696	713

Range	Salary Steps								
No.	A	1	B	2	C	3	D	4	E
44	601	616	631	647	663	679	696	713	731
45	616	631	647	663	679	696	713	731	749
46	631	647	663	679	696	713	731	749	767
47	647	663	679	696	713	731	749	767	786
48	663	679	696	713	731	749	767	786	805
49	679	696	713	731	749	767	786	805	825
50	696	713	731	749	767	786	805	825	845
51	713	731	749	767	786	805	825	845	866
52	731	749	767	786	805	825	845	866	887
53	749	767	786	805	825	845	866	887	909
54	767	786	805	825	845	866	887	909	931
55	786	805	825	845	866	887	909	931	954
56	805	825	845	866	887	909	931	954	978
57	825	845	866	887	909	931	954	978	1,002
58	845	866	887	909	931	954	978	1,002	1,027
59	866	887	909	931	954	978	1,002	1,027	1,052
60	887	909	931	954	978	1,002	1,027	1,052	1,078

The administration of the salary plan provided by this article including the hiring rate; increases within range; salary on promotion, transfer or demotion; salary on position reclassification and all other relevant matters shall be in accordance with the Personnel Rules and Ordinances of the County of San Bernardino.

The job classification and the number of the salary range which constitutes the compensation for each job classification is shown below.

Job classification	Range
Clerk of the municipal court I	55
Assistant clerk of the municipal court I	43
Municipal court clerk	40
Municipal court clerk assistant	36
Principal clerk	35
Senior stenographer clerk	34
Fiscal assistant	33
Senior clerk	32
Stenographer clerk	28
Intermediate clerk	26
Clerk	22
Deputy marshal	43
Bailiff	37

CHAPTER 1130

An act to amend Section 41102 of the Vehicle Code, relating to parking violations.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 41102 of the Vehicle Code is amended to read:

41102. (a) In any prosecution charging a violation of any regulation governing the standing or parking of a vehicle under this code or any ordinance enacted by local authorities, proof by the people of the State of California that the particular vehicle described in the complaint was parked in violation of any provision of this code or such ordinance, together with proof that the defendant named in the complaint was at the time of parking the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred, but for the purposes of this subdivision proof that a person is the registered owner of a vehicle is not prima facie evidence that the registered owner has violated any other provision of law. The above provisions shall apply only when the procedure required by Section 41103 is complied with. Proof of a written lease of, or rental agreement for, a particular vehicle described in the complaint, on the date and time of such violation, which lease or rental agreement includes the name and address of the person to whom the vehicle is leased or rented, shall rebut the prima facie evidence that the registered owner was the person who parked or placed the vehicle at the time and place where the violation occurred.

(b) In any prosecution charging a violation of any provision of this code requiring the display of any evidence of registration, with respect to an unattended vehicle, proof by the people of the State of California that the particular vehicle described in the complaint failed to properly display such evidence of registration, together with proof that the defendant named in the complaint was at the time the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was in control of, or responsible for, the vehicle at the time the violation occurred. No other prima facie evidence shall be created by this subdivision. The above provisions shall apply only when the procedure required by Section 41103 is complied with.

(c) Any charge under this section shall be dismissed when the person charged has made a bona fide sale or transfer of the

vehicle and has delivered possession thereof to the purchaser and has complied with the requirements of subdivision (a) or (b) of Section 5602 prior to the date of the alleged violation and has advised the court of the name and address of the purchaser.

CHAPTER 1131

An act to amend Section 668 of, and to add Section 652.5 to, the Harbors and Navigation Code, relating to identification lights for law enforcement vessels.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 652.5 is added to the Harbors and Navigation Code, to read:

652.5. The use of a distinctive blue light as prescribed by the commission is reserved for law enforcement vessels and may be displayed during the day or night whenever the vessel may be engaged in direct law enforcement activities where identification of a law enforcement vessel is desirable or where necessary for safety reasons. This light when used shall be in addition to prescribed lights and day signals required by law. The display of such blue lights on vessels for other purposes is prohibited.

SEC. 2. Section 668 of the Harbors and Navigation Code is amended to read:

668. (a) Any person who violates any provisions of Sections 652, 654, or 659 and any manufacturer or importer who violates Section 653 of this code or any regulations adopted by the commission pursuant thereto is guilty of a misdemeanor and shall be subject to a fine of not to exceed fifty dollars ($50) or imprisonment in the county jail for not to exceed five days, or both, for each violation.

(b) Any person who violates any provisions of subdivision (a) or (b) of Section 658 of this code is guilty of a misdemeanor and shall be subject to a fine of not to exceed one hundred dollars ($100) for each violation.

(c) Any person who violates any provision of Sections 652.5, 655, 656, or subdivision (d) or (e) of Section 658 of this code or any special rules and regulations adopted by the commission pursuant to the provisions of subdivisions (b) or (c) of Section 660 of this code is guilty of a misdemeanor and shall be subject to a fine of not to exceed five hundred dollars ($500) or imprisonment in the county jail for not to exceed six months, or both, for each violation.

CHAPTER 1132

An act to amend Sections 2301, 2304, 2306, 2307, and 2313 of, to add Section 2315.1 to, and to repeal Section 2305 of, the Public Resources Code, relating to mining claims.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 2301 of the Public Resources Code is amended to read:

2301. Any person, a citizen of the United States, or who has declared his intention to become a citizen, who discovers a vein or load of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposit, may locate a claim upon such vein or lode, by defining the boundaries of the claim, in the manner hereinafter described, and by posting a notice of such location, at the point of discovery. The notice shall contain:

(a) The name of the lode or claim.

(b) The name of the locator or locators.

(c) The number of linear feet claimed in length along the course of the vein, each way from the point of discovery, with the width on each side of the center of the claim, and the general course of the vein or lode, as near as may be.

(d) The date of location.

(e) Such a description of the claim by reference to some natural object, or permanent monument, as will identify the claim located. The township and range shall be included in such description.

SEC. 1.5. Section 2304 of the Public Resources Code is amended to read:

2304. (a) Within 90 days after the date of location of any lode claim or any placer claim containing not more than the maximum area locatable as a placer claim by one person hereafter located, the locator or locators thereof shall sink a discovery shaft upon the claim to a depth of at least 10 feet from the lowest part of the rim of the shaft at the surface, or shall drive a tunnel, adit, or open cut upon the claim to at least 10 feet below the surface, and the locators of an association placer claim containing a larger area hereafter located shall sink one such shaft or drive one such tunnel, adit or open cut for each 20 acres contained in the association claim.

(b) In lieu of the discovery work required by subdivision (a) of this section, the locator of a lode claim or any placer claim containing not more than the maximum area locatable as a placer claim by one person, may, within 90 days of the date of location, drill a hole to a hole depth of not less than 25 feet by any drilling equipment capable of collecting and bringing to the surface a sample that may actually be in-

spected or tested. Such hole may be drilled on a lode claim at any point within the claim or within a group of claims not exceeding 10 in number, in any contiguous orientation and arrangement, except that the maximum dimension of such group arrangement shall not exceed seven thousand five hundred (7,500) feet and providing that the hole depth of the hole or holes drilled as discovery work for the group shall aggregate a total not less than 25 feet times the total number of claims within such group. Such a hole for a placer claim may be drilled at any point within the claim, but the number of feet of drilling so done for an association claim must aggregate not less than 25 feet times the number by which 20 will divide into the total number of acres in the association claim.

(c) If the locator has elected to do such discovery work as provided in subdivision (b) of this section, he shall, within the time specified within subdivision (b) of this section, cap or plug each drill hole intended as discovery work and mark it with a wooden post at least four inches in diameter, or a metal post, placed within five feet of the hole, which post shall be at least 48 inches in height above the ground, shall be firmly imbedded in the ground, and shall have securely fixed to it a notice containing the name of the claim on which located, the names of the contiguous claims, if any, for which it is claimed as discovery work, and the date the hole was completed.

SEC. 2. Section 2305 of the Public Resources Code is repealed.

SEC. 3. Section 2306 of the Public Resources Code is amended to read:

2306. The relocation of any lode or placer mining location which is subject to relocation shall be made as an original location is required to be made, except that the relocator may either sink a new shaft upon the claim to the depth of at least 10 feet from the lowest part of the rim of the shaft at the surface, or drive a new tunnel, adit, or open cut upon the claim to at least 10 feet below the surface; or the relocator may sink the original discovery shaft 10 feet deeper than it is at the time of relocation, or drive the original tunnel, adit, or open cut upon the claim 10 feet further; or the relocator may drill a hole or holes under the provisions of subdivisions (b) and (c) of Section 2304.

SEC. 4. Section 2307 of the Public Resources Code is amended to read:

2307. The failure or neglect of the locator or locators to comply with the requirements of Sections 2301, 2302, 2304, or 2306 of this code shall render the location null and void (and no portion of the area within the location shall be subject to relocation by the same locator or locators within the period of three years from the date of the void location).

SEC. 5. Section 2313 of the Public Resources Code is amended to read:

2313. (a) Within 90 days after the posting of his notice of location upon a lode mining claim, placer claim, tunnel right or location, or millsite claim or location, the locator shall record a true copy of the notice together with a statement of the markings of the boundaries as required in this chapter, and of the performance of the required discovery work, in the office of the county recorder of the county in which such claim is situated.

(b) If the locator has elected, in lieu of other discovery work, to drill a hole or holes as provided by subdivisions (b) and (c) of Section 2304 or by Section 2306, the statement of the performance of discovery work shall include his affidavit, or an affidavit by some person for him knowing the facts, setting forth the position and depth of the drill hole or holes, and, if done for more than one lode claim, the name and location of each contiguous claim for which this work was done.

SEC. 6. Section 2315.1 is added to the Public Resources Code, to read:

2315.1. (a) Notwithstanding the provisions of Section 2315, whenever a mine owner performs the labor and makes the improvements required by law upon any mining claim in or after the first full 12-month period for performance of annual assessment work under the laws of the United States following the 12-month period for performance of such work in which this section becomes effective, the person in whose behalf such labor was performed or improvements made, or someone in his behalf, shall, within 30 days after the time limited by law for performing such labor or making such improvements, make and have recorded by the county recorder in books kept for that purpose, in the county in which the mining claim is situated, an affidavit setting forth:

(1) The name of the claim.

(2) A reference by book and page to the public record of the notice of location of the claim and, if amended, of the last recorded amendment thereof.

(3) A description of the labor and improvements performed or made upon or for the benefit of the claim for which the proof is made, the value of each such item, and the dates on which or the period of time within which the same was performed or made.

(4) The name, current mailing address and current residence address of the person who makes the proof and of the owner of the claim, as known to the affiant.

(5) A statement that the claim is held and claimed by the owner, or the person making the proof if he is entitled to possession thereof, for the valuable mineral contained therein.

(6) The name and address of the person who performed or made the work and improvements described in the affidavit, as known to the affiant.

(7) A statement that all monuments required by law to have been erected upon the claim and all notices required by law to have been posted on the claim or copies thereof were

in place at a date within the assessment year for which the affidavit is made and a statement of the date.

(8) A statement that at such date each corner monument bore or contained marking sufficient to appropriately designate the corner of the mining claim to which it pertains and the name of the claim.

(b) The affidavit so recorded as required by subdivision (a) of this section, or a copy thereof duly certified by the county recorder, shall be prima facie evidence of the performance of the labor and the making of the improvements as stated in the affidavit.

(c) The neglect or failure of the owner of any mining claim, after the operative date of this section, to record or cause to be recorded within the time allowed by this section an affidavit containing the statements required by subdivision (a) of this section shall create a prima facie presumption of the act and intent of the owner to abandon such claim at the end of the assessment year within which the labor should have been performed or the improvements made under the laws of the United States, except that in the event the affidavit is executed and recorded by anyone other than an owner within the 30-day period, and the owner apprehends that there are deficiencies in the recorded affidavit, he may supplement and furnish the same by further affidavit to comply with the section and may record such supplemental affidavit within 30 days following the last day of the 30-day period after the time limited by law for performance of the work or making of improvements, and thereby obtain the prima facie evidence of performance of labor and making of improvements above provided, and avoid the prima facie presumption of abandonment.

SEC. 7. A notice of the requirements of Section 6 of this act shall be posted in the county recorder's office of each county, from the effective date of this act until such time as Section 6 becomes operative.

SEC. 8. Section 6 of this act shall become operative one year after the effective date of this act.

CHAPTER 1133

An act to amend Section 769 of the Harbors and Navigation Code, relating to for-hire vessels.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 769 of the Harbors and Navigation Code is amended to read:

769. The department shall be responsible for administering the licensing of operators of for-hire vessels and for enforcing

the provisions of this article, and in this connection may inspect for-hire vessels as defined in Section 760 on waters of this state other than those waters which have been declared to be navigable by agencies of the federal government.

CHAPTER 1134

An act to amend Section 8352 of the Revenue and Taxation Code, relating to money in the Motor Vehicle Fuel Fund.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 8352 of the Revenue and Taxation Code is amended to read:

8352. The money in the Motor Vehicle Fuel Fund is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, as follows:

(a) To pay the refunds authorized in this part, including refunds due on account of judgments for the return of license taxes illegally collected.

(b) To the Controller, to carry out any duties imposed upon him by this part.

(c) To the board, to carry out any duties imposed upon it by this part.

(d) To the Highway Users Tax Fund, as provided in this chapter.

(e) To pay the pro rata share of the overhead and general administrative expense of the Controller and the board attributable to duties imposed by this part. The pro rata share is payable upon presentation of a claim against any appropriation from the Motor Vehicle Fuel Fund for the support of the Controller or the board, as the case may be.

(f) For transfer to the Aeronautics Fund, which fund is hereby created, all moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft in the state, for allocation as follows:

(1) To pay the refunds authorized by Section 8101.5.

(2) To pay the pro rata cost of the Controller and board under subdivisions (b), (c) and (e).

(3) To pay for the support of the Division of Aeronautics.

(4) For transfer of the balance remaining to the Airport Assistance Revolving Fund.

No part of the moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used for propelling an aircraft in the state shall be appropriated, subject to the provisions of any subdivision heretofore or hereafter enacted and Section 11006 of the Government

Code, or allocated, except in accordance with the provisions of this subdivision.

(g) To the Harbors and Watercraft Revolving Fund for expenditure in accordance with the provisions of Division 1 (commencing with Section 30) of the Harbors and Navigation Code, the sum of four million dollars ($4,000,000) per annum, commencing with the 1965–1966 fiscal year, this sum representing the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d). The Department of Public Works, after consultation with the Department of Harbors and Watercraft, shall prepare or cause to be prepared a report setting forth the current estimate of the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels; and the Department of Public Works shall submit such report to the Legislature on or before the fifth legislative day of the 1970 Regular Session and each four (4) years thereafter.

CHAPTER 1135

An act to amend Section 28102 of the Government Code, relating to county officers' salaries.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 28102 of the Government Code is amended to read:

28102. In a county of the second class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office twelve thousand five hundred dollars ($12,500) a year; provided, however, that such compensation of a supervisor shall be reduced by the amount received by him for his services as a member of any district board or other public board or commission, including but not limited to a sanitation district board; provided further, that the amount or amounts received by him for his services as a member of one or more such district boards or other public boards or commissions shall not exceed in total amount twelve thousand five hundred dollars ($12,500) per year. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

In the event that a county of the second class adopts a charter provision or an ordinance incorporating the substance of Article 2 (commencing with Section 8920) of Chapter 1 of

Part 1 of Division 2 of Title 2 of the Government Code with regard to members of the board of supervisors, the annual salary of each member of the board of supervisors shall be sixteen thousand dollars ($16,000). Such salaries shall become effective on the effective date of such charter provision or ordinance.

The fees of the grand jurors and trial jurors in the superior courts are the amounts provided by law for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile necessarily traveled in attending court, in going only. In criminal cases fees and mileage of trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance, and the treasurer of the county shall pay the warrants.

CHAPTER 1136

An act to amend Sections 11010 and 11018 of the Business and Professions Code, relating to subdivided lands.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 11010 of the Business and Professions Code is amended to read:

11010. Prior to the time when subdivided lands are to be offered for sale or lease, the owner, his agent or subdivider shall notify the commissioner in writing of his intention to sell or lease such offering.

The notice of intention shall contain the following information:

(a) The name and address of the owner.

(b) The name and address of the subdivider.

(c) The legal description and area of lands.

(d) A true statement of the condition of the title to the land, particularly including all encumbrances thereon.

(e) A true statement of the terms and conditions on which it is intended to dispose of the land, together with copies of any contracts intended to be used.

(f) A true statement of the provisions, if any, that have been made for public utilities in the proposed subdivision, including water, electricity, gas and telephone facilities.

(g) A true statement of the use or uses for which the proposed subdivision will be offered.

(h) A true statement of the provisions, if any, limiting the use or occupancy of the parcels in the subdivision.

(i) A true statement of the maximum depth of fill used, or proposed to be used on each lot, and a true statement on the soil conditions in the subdivision supported by engineering reports showing the soil has been, or will be, prepared in accordance with the recommendations of a registered civil engineer.

(j) A true statement of the amount of indebtedness which is a lien upon the subdivision or any part thereof, and which was incurred to pay for the construction of any onsite or offsite improvement, or any community or recreational facility.

(k) A true statement or reasonable estimate, if applicable, of the amount of any indebtedness which has been or is proposed to be incurred by an existing or proposed special district, entity, taxing area or assessment district, within the boundaries of which, the subdivision, or any part thereof, is located, and which is to pay for the construction or installation of any improvement or to furnish community or recreational facilities to such subdivision, and which amounts are to be obtained by ad valorem tax or assessment, or by a special assessment or tax upon the subdivision, or any part thereof.

(*l*) Such other information as the owner, his agent, or subdivider, may desire to present.

SEC. 2. Section 11018 of the Business and Professions Code is amended to read:

11018. The Real Estate Commissioner shall make an examination of any subdivision, and shall, unless there are grounds for denial, issue to the subdivider a public report authorizing the sale or lease in this state of the lots or parcels within the subdivision. The report shall contain the data obtained in accordance with Section 11010 and which the commissioner determines are necessary to implement the purposes of this article. The commissioner may publish the report.

The grounds for denial are:

(a) Failure to comply with any of the provisions in this chapter or the regulations of the commissioner pertaining thereto.

(b) The sale or lease would constitute misrepresentation to or deceit or fraud of the purchasers or lessees.

(c) Inability to deliver title or other interest contracted for.

(d) Inability to demonstrate that adequate financial arrangements have been made for all offsite improvements included in the offering.

(e) Inability to demonstrate that adequate financial arrangements have been made for any community, recreational or other facilities included in the offering.

(f) Failure to make a showing that the parcels can be used for the purpose for which they are offered.

(g) Failure to provide in the contract or other writing the use or uses for which the parcels are offered, together with any covenants or conditions relative thereto.

(h) Agreements or bylaws to provide for management or other services pertaining to common facilities in the offering, which fail to comply with the regulations of the commissioner.

(i) Failure to demonstrate that adequate financial arrangements have been made for any guaranty or warranty included in the offering.

CHAPTER 1137

An act to amend Sections 61 and 133 of the Civil Code, relating to marriage.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 61 of the Civil Code is amended to read:

61. A subsequent marriage contracted by any person during the life of a former husband or wife of such person, with any person other than such former husband or wife, is illegal and void from the beginning, unless:

1. The former marriage has been annulled or dissolved, and, in the case of dissolution by divorce obtained in this state, at least one year has elapsed from the date of service of a copy of summons and complaint upon, or appearance by, the defendant spouse in the former proceeding for such divorce.

2. Unless such former husband or wife is absent, and not known to such person to be living for the space of five successive years immediately preceding such subsequent marriage, or is generally reputed or believed by such person to be dead at the time such subsequent marriage was contracted. In either of which cases the subsequent marriage is valid until its nullity is adjudged by a competent tribunal.

SEC. 2. Section 133 of the Civil Code is amended to read:

133. Whenever either of the parties in a divorce action is, under the law, entitled to a final judgment, but by mistake, negligence or inadvertence the same has not been signed, filed and entered, if no appeal has been taken from the interlocutory judgment or motion made for a new trial to annul or set aside the judgment or for relief under Chapter 8, Title 6 of Part 2 of the Code of Civil Procedure, the court, on the motion of either party thereto or upon its own motion, may cause a final judgment to be signed, dated, filed and entered therein granting the divorce as of the date when the same could have been given or made by the court if applied for. The court may cause such final judgment to be signed, dated, filed and entered nunc pro tunc as aforesaid, even though a final judgment may have been previously entered where by mistake, negligence or inadvertence the same has not been signed, filed or entered as soon as it could have been entered under the law if applied for. Upon the filing of such final judgment, the parties to such

action shall be deemed to have been restored to the status of single persons as of the date affixed to such judgment, and any marriage of either of such parties subsequent to one year after the date of service of copy of summons and complaint upon, or appearance by, the defendant spouse as shown by the minutes of the court, and after the final judgment could have been entered under the law if applied for, shall be valid for all purposes as of the date affixed to such final judgment, upon the filing thereof.

CHAPTER 1138

An act to amend Sections 12463.1 and 53892 of, to add Section 53892.2 to, and to repeal Sections 40803, 40804, and 40805 of, the Government Code, relating to public entity reports.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 12463.1 of the Government Code is amended to read:

12463.1. The Controller shall appoint an advisory committee consisting of seven local governmental officers to assist him in developing complete and adequate records.

Whenever, in the opinion of the advisory committee and the Controller, the public welfare demands that the reports of the financial transactions of a district other than a school district be published, the Controller shall notify the district that reports of its financial transactions are required to be furnished to him pursuant to Article 9, Chapter 4, Part 1, Division 2 of Title 5. A public entity, agency, board, or commission provided for by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 and a redevelopment agency as provided for by Division 24 (commencing with Section 33000) of the Health and Safety Code, only if it has issued bonds the principal and interest of which are payable from taxes allocated to and paid into a special fund of the agency under authority of Section 33641 of the Health and Safety Code, shall be deemed a district within the meaning of this section. The Controller shall compile and publish such reports pursuant to Section 12463.

SEC. 2. Section 40803 of the Government Code is repealed.

SEC. 3. Section 40804 of the Government Code is repealed.

SEC. 4. Section 40805 of the Government Code is repealed.

SEC. 5. Section 53892 of the Government Code is amended to read:

53892. The report shall state:

(a) The aggregate amount of taxes levied and assessed against the taxable property in the local agency, which became due and payable during the next preceding fiscal year.

(b) The aggregate amount of taxes levied and assessed against such property collected by or for, the local agency during the fiscal year.

(c) The aggregate income during the preceding fiscal year, a general statement of the sources of the income, and the amount received from each source

(d) The total expenditures made by administrative departments during the preceding fiscal year, a general statement of the purposes of the expenditures, and the amounts expended by each department.

(e) The assessed valuation of all of the taxable property in the local agency as set forth on the assessment roll of the local agency equalized for the fiscal year, or, if the officers of the county in which the city or district is situated have collected for the city or district the general taxes levied by the city or district for the fiscal year, the assessed valuation of all taxable property in the city or district as set forth on the assessment rolls for the county equalized for the fiscal year.

(f) The information required by Section 53892.2, as of the end of the fiscal year.

(g) The approximate population at the close of the fiscal year and the population as shown by the last regular federal census.

(h) Other information which the Controller requires.

(i) Such other matters necessary to complete and keep current the statistical information on assessments, revenues and taxation, collected and compiled by any Senate or Assembly interim committee on state and local taxation established by resolution of the Legislature or either house thereof

SEC. 6. Section 53892.2 is added to the Government Code, to read:

53892.2. Pursuant to Section 53892, the report shall also contain the following information:

(a) For all issues of general obligation bonds, revenue bonds, improvement district bonds, limited obligation bonds, and special assessment bonds state:

(1) The purpose of the bonds.

(2) The amount of issued and unmatured bonds.

(3) The amount of any delinquent principal and interest payments which are due upon issued and matured bonds.

(4) The amount of authorized but unissued bonds.

(b) For each issue of general obligation bonds and improvement district bonds where the revenues of any revenue-producing enterprise have been pledged as additional security for such bonds, state the nature and extent of such pledge.

(c) For each issue of revenue bonds where any income, other than the revenues of the enterprise financed by said revenue bonds, has been pledged as additional security for said bonds, state the nature and extent of such pledge.

(d) For each issue of improvement district bonds state the assessed valuation of all taxable property in such improve-

ment district, determined in the manner provided in subdivision (e) of Section 53892.

(e) For each issue of limited obligation bonds, state the nature and source of taxes from which principal and interest is payable.

(f) For special assessment bonds which are payable, directly or indirectly, from any source other than special assessments, state the nature and extent of such sources.

(g) For all lease-obligations state:

(1) The purpose of the lease-obligation.

(2) The nature of the lease-obligation, whether by lease, contract, or otherwise, and the parties thereto.

(3) The person, partnership, corporation, legal entity or governmental agency providing any moneys expended for making any acquisition or improvement authorized or required for the purpose of such lease-obligation.

(4) The total future rentals or other payments which would be required if the local agency completed the unexpired term of the lease-obligation.

(h) For construction financed by the United States or the State of California pursuant to a contract with, or a loan or grant to, the local agency:

(1) The date or purpose of the contract or grant.

(2) The maximum repayment obligation under the contract, and the amount expended by the United States or the State of California to date.

(3) The estimated payment schedule.

(4) The payments to date and delinquencies, if any.

The following definitions shall apply to this section:

"Bonds" means all bonds, warrants, notes or other evidences of indebtedness or liability for which the reporting local agency is liable for payment of principal and interest thereon.

"General obligation bonds" means bonds payable, both principal and interest, from the proceeds of ad valorem taxes or ad valorem assessments which may be levied within the entire territory of the local agency, without limitation as to rate or amount, upon all property subject to taxation or assessment.

"Revenue bonds" means bonds issued by a local agency payable, both principal and interest, from the revenues of a revenue-producing enterprise.

"Improvement district bonds" means bonds payable, both principal and interest, from the proceeds of ad valorem taxes or ad valorem assessments which may be levied within a fixed and defined portion or portions of the local agency, without limitation as to rate or amount, upon all property subject to taxation or assessment.

"Limited obligation bonds" means any bonds payable, both principal and interest, from any taxes, other than taxes or assessments levied upon property.

"Special assessment bonds" means any bonds issued to represent unpaid assessments upon lands in an area fixed and defined by the local agency, the lands within such area being specially benefited by and assessed or to be assessed to pay the costs and expenses of a public acquisition or improvement.

"Lease-obligations" means (i) leases for a term of more than 10 years under which the local agency is the lessee and has the right, by option or otherwise, to acquire ownership of the property leased or (ii) contracts whereby a local agency is obligated to make installment payments for a period of more than 10 years for an acquisition or improvement, such payments being made from a special fund, provided, that revenue bonds or any contract, indenture, resolution or ordinance providing for the issuance of revenue bonds shall not be deemed a lease-obligation.

The information required by this section shall be submitted in such form and detail as may be prescribed by the uniform reporting procedures adopted pursuant to Section 53891.

CHAPTER 1139

An act to amend Sections 8200, 8201, 8203.1, 8214.1, 8215, and 8300 of, to amend and renumber Section 8203.6 of, and to add Sections 8214.2 and 12197.1 to, the Government Code, relating to notaries public.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 8200 of the Government Code is amended to read:

8200. The Secretary of State may appoint and commission notaries public in such number as he deems necessary for the public convenience. Notaries public may act as such notaries in any part of this state, and they shall receive for their services such fees as are provided by law.

SEC. 2. Section 8201 of the Government Code is amended to read:

8201. Every person appointed as notary public shall:

(a) Be at the time of appointment a citizen of the United States and of this state, except as otherwise provided in Section 8203.1 of this chapter.

(b) Have resided in this state for 12 consecutive months immediately preceding his appointment, except as otherwise provided in Section 8203.1.

(c) Be not less than 21 years of age.

(d) Satisfy the Secretary of State, under penalty of perjury, that he is of good moral character and that he has suffered no conviction involving moral turpitude or revocation or

suspension of a professional license, nor been adjudicated a bankrupt within the preceding five years.

(e) Have satisfactorily answered a written questionnaire on a form prescribed by the Secretary of State to determine the fitness of the person to exercise the functions of the office of notary public. The questionnaire shall be answered before any notary public, and sworn to by such notary public who shall be entitled to a fee of two dollars ($2) for his services with respect thereto. All questions shall be elementary questions based on the statutory law of this state as set forth in the booklet of the laws of California relating to notaries public distributed without charge by the Secretary of State to all applicants for commission as notary public. Applicants shall be permitted to refer to such booklet while taking said examination.

SEC. 2.5. Section 12197.1 is added to the Government Code, to read:

12197.1. The fee for issuing a commission as notary public is six dollars ($6).

SEC. 3. Section 8203.1 of the Government Code is amended to read:

8203.1. The Secretary of State may appoint and commission notaries public for the military and naval reservations of the Army, Navy, Coast Guard, Air Force, and Marine Corps of the United States, wherever located in the state; provided, however, that such appointee shall be a citizen of the United States, not less than 21 years of age, and must meet the requirements set forth in subdivisions (d) and (e) of Section 8201.

SEC. 4. Section 8203.6 of the Government Code, as added by Chapter 1703 of the Statutes of 1963, is amended and renumbered to read:

8203.7. The Secretary of State may appoint and commission certified shorthand reporters of this state as notaries public; provided, however, that such appointees shall comply with the following requirements:

(a) Be a citizen of the United States.

(b) Be a resident of this state for at least 30 days prior to appointment.

(c) Be not less than 21 years of age.

(d) Meet the requirements set forth in subdivisions (d) and (e) of Section 8201.

SEC. 5. Section 8214.1 of the Government Code is amended to read:

8214.1. The Secretary of State may revoke or suspend the commission of any notary public upon the following grounds:

(a) Conviction of a felony or of a lesser offense involving moral turpitude or of a nature incompatible with the continuing duties of his office.

(b) Revocation or suspension of a professional license, if such revocation or suspension was for misconduct or dishonesty.

(c) Failure to fully and faithfully discharge any of the duties required of him by this chapter.

(d) When adjudged liable for damages in any suit grounded in fraud, misrepresentation or violation of the state regulatory laws or in any suit based upon his failure to discharge fully and faithfully his duties as a notary public.

If there is a revocation or suspension of a commission pursuant to this section, or a denial of a commission, the person affected shall have the right to a hearing on the matter and such proceeding shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 5.5. Section 8214.2 is added to the Government Code, to read:

8214.2. Notwithstanding the provisions of Section 8214.1, the commission of any notary public may also be revoked by the same proceedings as those provided by Sections 3060 through 3072 of this code for the removal of certain public officers, such proceedings to be brought in the county in which the notary public maintains his principal place of business.

SEC. 6. Section 8215 of the Government Code is amended to read:

8215. The Secretary of State may appoint and commission such number of state employees as notaries public in the several counties of the state to act for and in behalf of a state agency as he deems proper. Whenever such a notary is appointed and commissioned, the head of the agency shall execute a certificate that the appointment is made for the purposes of the agency, and whenever such certificate is filed with any state or county officer, no fees shall be charged by the officer for the filing or issuance of any document in connection with such appointment.

Any agency for which a notary public is appointed and commissioned pursuant to this section may pay from any funds available for its support the premiums on any bond and the cost of any stamps, seals, or other supplies required in connection with the appointment, commission, or performance of the duties of such notary public.

Any fees collected or obtained by any notary public whose documents have been filed without charge and for whom bond premiums have been paid by a state agency shall be remitted by him to the state agency by which he is employed and paid into the State Treasury to the credit of the fund from which his salary is paid.

Any expenditures made or costs incurred by a state agency prior to the effective date of this section for the appointment, commission, or qualification of a notary public to act as such for the agency may be paid from funds available for the support of the agency.

SEC. 7. Section 8300 of the Government Code is amended to read:

8300. The Secretary of State may appoint in each state of the United States, or in any foreign country, one or more commissioner of deeds. They shall hold office for the term of four years from and after the date of their commission.

CHAPTER 1140

An act to amend Sections 11101, 11102 and 11105 of the Vehicle Code, relating to exemptions and requirements for driving school operators.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 11101 of the Vehicle Code is amended to read:

11101. The provisions of this chapter shall not apply in any event to public schools or to educational institutions in which driving instruction is part of the curriculum, to commercial schools giving off highway instruction only in the operation of special construction equipment as defined in this code, to automobile dealers or their salesman giving instruction without charge to purchasers of motor vehicles, or to employers giving instruction to their employees.

SEC. 2. Section 11102 of said code is amended to read:

11102. (a) Every person, in order to qualify to operate a driving school shall meet the following requirements:

(1) Be of good moral character.

(2) Maintain an established place of business open to the public. No office or place of business shall be established within 200 feet of any building used by the department as an office after September 8, 1953.

(3) Have the equipment necessary to the giving of proper instruction in the operation of motor vehicles.

(4) Within three attempts, pass such examination as the department shall require on traffic laws, safe driving practices, operation of motor vehicles, teaching methods and techniques, driving school statutes and regulations, office procedures, and recordkeeping.

(5) Pay to the department an examination fee of one hundred dollars ($100) which shall entitle the applicant to three examinations within a period of one year, and a license fee of twenty-five dollars ($25).

(6) Be 21 years of age or older.

(7) Have worked for an established licensed California driver training school as a driving instructor for a period of not less than 1,000 hours, except that this paragraph does not apply to any person who holds a general secondary credential or who has satisfactorily completed a course in the teaching of

driver education and driver training acceptable to the department.

(b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license or a new application, examination and fee shall be required.

SEC. 3. Section 11105 of said code is amended to read:

11105. (a) The department shall issue a license certificate to each applicant to conduct a driver school or to each driving instructor when it is satisfied that he has met the qualifications required under this chapter. The license shall be for a period of four years from the date of issue unless canceled, suspended, or revoked by the department. The license may be renewed subject to the satisfactory completion of a new examination and otherwise subject to the requirements to qualify to operate a driving school as provided in Section 11102.

(b) The department may issue a probationary license and certificate subject to conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license or certificate but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

(c) Upon notification of death of an operator of a driving school the department may issue a certificate of convenience to the executor, executrix, administrator or administratrix of the estate of a deceased holder of a validly outstanding certificate to conduct a driving school, or if no executor, executrix, administrator or administratrix has been appointed, and until a certified copy of an order making such appointment is filed with the department, to the widow or other heir otherwise entitled to conduct the business of the deceased, permitting such person to conduct the driving school for a period of one year from and after the date of death, and necessary one year renewals thereafter pending, but not later than, disposal of the business and qualification of the vendee of the business or such surviving widow or heir for a license certificate to conduct a driving school under the provisions of this division. The department may restrict or condition the certificate and attach to the exercise of the privilege thereunder such terms and conditions as in its judgment the protection of the public requires.

CHAPTER 1141

An act to amend Sections 4309, 6700, and 8050 of the Vehicle Code, relating to registration of vehicles.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 4309 of the Vehicle Code is amended to read:

4309. The department shall forthwith mail a notice of the filing of any application for registration of a vehicle previously registered outside this state upon written request of the governmental officer, agency, or authority which made the last registration of the vehicle outside this state. The notice shall contain like data as required on the application filed with the department. This section shall not apply to applications to register commercial vehicles operating in interstate transportation nor to vehicles last registered in a foreign province or country.

SEC. 2. Section 6700 of the Vehicle Code is amended to read:

6700. A nonresident owner of a foreign vehicle of a type otherwise subject to registration under this code may, subject to exceptions and special provisions contained in this chapter, operate or permit the operation of the vehicle within this state without registering the vehicle in, or paying any fees to, this state, subject to the condition that the vehicle at all times when operated in this state is duly registered in, and displays upon it valid license plates issued for the vehicle in, the place of residence of the owner.

For the purposes of the exceptions and special provisions of this chapter, license plates issued by any foreign jurisdiction shall be deemed to be valid for not more than one year from the date of their use in this state.

SEC. 3. Section 8050 of the Vehicle Code is amended to read:

8050. The Reciprocity Commission may enter into agreements or arrangements with the duly authorized representatives of any state bordering this state as follows:

(a) The agreements or arrangements shall be applicable to commercial vehicles, or to a class of commercial vehicles to be specified in such agreement or arrangement.

(b) The agreement or arrangement shall be applicable only within an area in each state, situate along the boundary line between the two, to be substantially equal in size and usage as nearly as may be practicable, and to be described in such agreement or arrangement.

(c) The agreement or arrangement shall exempt the owners or persons entitled to the possession of or right to operate

vehicles of the type or class specified therein, which are properly registered or licensed in such other state, and upon which evidence of registration is conspicuously displayed, from the payment, wholly or partially, of any vehicle license, registration or weight fee imposed under this code, and any fee or tax imposed under Parts 4 and 5, Division 2 of the Revenue and Taxation Code, while operating such vehicle in the area in this state described in such agreement or arrangement.

(d) The agreement or arrangement shall contain provisions by which the owners or persons entitled to the possession of or right to operate vehicles of the type or class specified therein, and registered or licensed in this state, shall receive substantially equivalent exemptions, benefits and privileges and terms and conditions while operating such vehicles in the area in the other state described in such agreement or arrangement as in the commission's judgment are best calculated to promote the interests of this state. The agreement or arrangement may contain provisions authorizing the department to issue reciprocity permits to identify vehicles entitled to operate within the areas described in the agreement or arrangement.

(e) The agreement or arrangement shall not require proportionate registration and licensing of vehicles provided for in this code.

(f) The agreement or arrangement may contain provisions denying the exemptions, benefits and privileges granted thereunder to any person who violates conditions stated therein or who violates rules and regulations for the administration of reciprocal exemptions, benefits and privileges issued by the Reciprocity Commission.

CHAPTER 1142

An act to provide for compliance with Public Law 89-749, relating to health planning, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. The Governor may take whatever action is necessary for this state to secure financial assistance from the federal government pursuant to the provisions of the Comprehensive Health Planning and Public Health Services Amendments of 1966 (Public Law 89-749).

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 such necessity are:

In order to qualify for federal funds which are disbursed to states under the provisions of the Comprehensive Health Planning and Public Health Services Amendments of 1966 (Public Law 89-749) it is necessary to immediately provide for compliance with that act and delay in complying with those provisions may result in a loss of funds which might have otherwise been granted.

SEC. 3. Section 1 of this act shall remain operative only until the operative date of Assembly Bill No. 1567 of the 1967 General Session or March 1, 1968 whichever occurs first and thereafter shall be of no further force or effect.

CHAPTER 1143

An act to amend Section 28119 of the Government Code, relating to compensation of county officers.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 28119 of the Government Code is amended to read:

28119. In a county of the 19th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand two hundred dollars ($10,200) a year.

(b) The district attorney, twenty-one thousand three hundred dollars ($21,300) a year, and he shall not engage in private practice.

(c) Each supervisor, eight thousand four hundred dollars ($8,400) a year and mileage at the rate of ten cents ($0.10) for each mile traveled to and from the meetings of the board. Only one mileage at any one session of the board shall be allowed. The county may furnish automobiles to the supervisors for use on any trips taken in performance of their official duties for which mileage would otherwise be allowed. All expenses for fuel, oil, supplies, upkeep, and maintenance of the automobiles shall be paid from county funds. The use of automobiles is in lieu of any other mileage.

(d) Grand jurors shall receive five dollars ($5) for each day's attendance and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance. Grand jurors and trial jurors in the superior court shall receive ten cents ($0.10) for each mile from their residences to the county seat, to be allowed for each day the jurors are required to and do attend. For attending as a member of a committee of

the grand jury, for each day's attendance on the committee, five dollars ($5) and mileage at the rate of ten cents ($0.10) a mile. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amounts due, and the auditor, unless otherwise specifically ordered, shall draw warrants on the 1st and 15th days of each month, and the treasurer shall pay the warrants.

CHAPTER 1144

An act to amend Section 2983.2 of the Civil Code, relating to selling repossessed motor vehicles.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 2983.2 of the Civil Code is amended to read:

2983.2. Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding, at least 10 days' written notice of intent to sell a repossessed motor vehicle must be given to all persons liable on the contract. The notice shall be personally served or shall be sent by certified mail, return receipt requested, directed to the address of the persons shown on the contract, unless such persons have notified the holder in writing of a different address. The notice shall set forth that there is a right to redeem the motor vehicle and the total amount required as of the date of the notice to redeem; may inform such persons of their privilege of reinstatement of the contract, if the holder extends such privilege; shall give notice of the holder's intent to resell the motor vehicle at the expiration of 10 days from the date of giving or mailing the notice, or if given by mail and either the place of deposit in the mail or the place of address is outside of this state, the period of notice shall be 20 days instead of 10 days; shall disclose the place at which the motor vehicle will be returned to the buyer upon redemption or reinstatement; and shall designate the name and address of the person to whom payment shall be made. During the period provided under said notice, the person or persons liable on the contract may pay in full the indebtedness evidenced by the contract. Such persons shall be liable for any deficiency after sale of the repossessed motor vehicle only if the notice prescribed by this section is given within 60 days of repossession and includes the following:

1. A notice, in at least eight-point bold type if the notice is printed, reading as follows: "Notice: You are subject to suit and liability if the amount obtained upon sale of the vehicle is insufficient to pay the contract balance and any other amounts due."

2. An itemization of the contract balance and of any delinquency, collection or repossession costs and fees. In addition, the notice shall either set forth the computation or estimate of the amount of any credit for unearned finance charges or canceled insurance as of the date of the notice or shall state that such a credit may be available against the amount due.

CHAPTER 1145

An act to add Section 17202.1 to the Financial Code, relating to escrow agents.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 17202.1 is added to the Financial Code, to read:

17202.1. An applicant for an escrow agent's license or a licensee may, in lieu of and subject to the same conditions as the bond required by Section 17202, deposit with the commissioner a cash bond in the sum of five thousand dollars ($5,000), evidence of deposit of said sum in banks authorized to do business in this state and insured by the Federal Deposit Insurance Corporation, or investment certificates or share accounts in the amount of five thousand dollars ($5,000) issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

Such deposits, certificates, or accounts shall be assigned to and accepted and maintained by the commissioner upon such terms as the commissioner may prescribe and until released by the commissioner, and shall not be deemed an asset of the applicant or licensee for the purpose of complying with Section 17210.

CHAPTER 1146

An act to add Section 17601.2 to the Education Code, relating to the reports of average daily attendance of school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 17601.2 is added to the Education Code, to read:

17601.2. The governing board of a school district affected by fluctuations in enrollments and attendance levels to a degree

which will, in all likelihood, result in an actual total of average daily attendance for the fiscal year in excess of that shown in the second period report for the second principal apportionment provided for in Section 17601.1, may, with the approval of the Superintendent of Public Instruction, submit, in lieu of such second period report, a report of the estimated total average daily attendance for the fiscal year. The report shall be in the form prescribed by the Superintendent of Public Instruction, and shall be utilized for purposes of the second principal apportionment. If the average daily attendance in the regular day schools of a district for the period of time between July 1 and June 30 exceeds the estimated total average daily attendance reported under this section, the appropriate increases and decreases in the several categories of attendance for which separate foundation programs are required to be computed shall be brought forward to the corresponding categories of the second period report for the next succeeding fiscal year. In the event the estimated total average daily attendance reported under this section exceeds the actual average daily attendance for the fiscal year, the Superintendent of Public Instruction shall withhold, pursuant to Section 17414, from apportionments made during the succeeding fiscal year, the amount of the excess moneys which may have been apportioned as a result thereof.

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 such necessity are:

In order that school districts affected by fluctuations in enrollments and attendance levels, and with small general fund reserves or surpluses, may gain credit for such attendance fluctuations for the current fiscal year instead of the succeeding fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 1147

An act to add Article 11.5 (commencing with Section 15270) to Chapter 6, Division 9 of, and Section 15401.5 to, the Elections Code, relating to ballots.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Article 11.5 (commencing with Section 15270) is added to Chapter 6, Division 9, of the Elections Code, to read:

Article 11.5. Absent Voting

15270. Notwithstanding any other provision of law to the contrary, a county, city, city and county, or district using voting machines or vote tabulating devices may use reasonable facsimiles of the sample ballots sent the voters of the county as absent voters' ballots.

15271. If absent voter ballots in the form provided for in Section 15270 are used, the clerk may count these ballots by the use of a voting machine or vote tabulating device subject to the following:

a. All interested persons shall be afforded the opportunity to be present.

b. No vote shall be counted unless there are at least three persons observing the counting procedure.

c. The voting machine or device shall be inspected, all of its registering counters set at zero (000) and locked.

d. The clerk pursuant to the provisions of Section 15141 may appoint persons to assist in the counting of these ballots.

e. No vote shall be registered in the voting machine or device unless all persons present are in agreement that the voting machine or device reflects exactly the vote of the ballot being counted.

f. When the votes of all absent voter ballots have been registered in the voting machine or device, the results of the votes cast shall be tabulated in the same manner as the results from other voting machines or devices.

SEC. 2. Section 15401.5 is added to the Elections Code, to read:

15401.5. The statement of measures submitted to the voters may be abbreviated on the ballot. The statement shall contain, where possible, not more than 20 words of each measure to be voted on, followed by the words, "Yes" and "No," or preceded by the words "For" and "Against." Abbreviation of measures to be voted on throughout the state shall be composed by the Attorney General and shall be a condensed statement of the ballot title prepared by him.

CHAPTER 1148

An act to amend Sections 4001, 4002, 4003, 4051, 4053, 27506, 27507, 27509, 27510, and 27511 of, to amend and renumber Sections 4005, 4006, 4007, 4008, 4009 of, to add Sections 4009, 4009.1, 4009.2, 4051.1, 4051.2, 4051.3, 4053.1, 27510.1, and 27510.2 to, and to repeal Sections 4004 and 27508 of, the Elections Code, relating to municipal measures.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 4001 of the Elections Code is amended to read:

4001. Any proposed ordinance may be submitted to the legislative body of the city by a petition filed with the clerk of the legislative body, in the manner hereinafter prescribed, after being signed by not less than the number of voters specified in this article. The petition may be in separate sections, providing that the same complies with all of the requirements of this article. The first page of each section shall contain the title of the petition and the text of the measure.

SEC. 2. Section 4002 of the Elections Code is amended to read:

4002. Before circulating an initiative petition in any city, or any petition relating to the annexation of territory by a city, the consolidation of cities, or the dissolution of a city, the proponents of such matter shall publish a notice of intention so to do, which notice shall be accompanied by a written statement not in excess of 500 words, setting forth the reasons for the proposed petition. The notice shall be in substantially the following form:

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given of the intention of the persons whose names appear hereon of their intention to circulate the petition within the City of _____ for the purpose of _____. A statement of the reasons of the proposed action as contemplated in said petition is as follows:

SEC. 3. Section 4003 of the Elections Code is amended to read:

4003. A notice of intention and statement as referred to in Section 4002, shall be published or posted or both as follows:

(1) If there is a newspaper of general circulation, as described in Section 6000 et. seq. of the Government Code, adjudicated as such, said notice and statement shall be published therein at least once; or

(2) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, said notice and statement shall be published at least once, in a newspaper circulated within the city and adjudicated as being of general circulation within the county in which the city is located and said notice and statement shall be posted in three (3) public places within the city, which public places shall be those utilized for the purpose of posting ordinances as required in Section 36933 of the Government Code; or

(3) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, and there is no newspaper of general circulation adjudicated as such within the county, circulated within the city, then the said notice and statement shall be posted in the manner described in subparagraph 2 hereof.

SEC. 4. Section 4004 of the Elections Code is repealed.

SEC. 5. Section 4005 of the Elections Code is amended and renumbered to read:

4004. Within 10 days after the date of publication or posting or both of the notice of intention and statement, the proponents shall file a copy of the notice and statement as published or posted or both, together with an affidavit made by a voter of the city, certifying to the fact of publication or posting or both thereof. Such affidavit, together with a copy of the notice of intention and statement shall be filed with the clerk of the legislative body of the city.

SEC. 6. Section 4006 of the Elections Code is amended and renumbered to read:

4005. Twenty-one days after the publication or posting or both of the notice of intention and statement, the petition may be circulated among the voters of the city for signatures by any registered qualified voter of the city. Each section of the petition shall bear a copy of the notice of intention and statement.

SEC. 7. Section 4007 of the Elections Code is amended and renumbered to read:

4006. Signatures upon petitions and sections thereof shall be secured, and the petition, together with all sections thereof, shall be filed within 180 days from the date of publication or posting or both of the notice of intention and statement, or in the case of a petition relating to the annexation of territory to the city, within 180 days of the date on which the first signature was affixed to said petition. If such petitions are not filed within the time permitted by this section, the same shall be void for all purposes.

SEC. 8. Section 4008 of the Elections Code is amended and renumbered to read:

4007. Each separate section shall have attached an affidavit made by a voter of the city which shall state according to the best information and belief of the affiant, the following:

(a) That each signature appearing on each section of the petition is the genuine signature of the person whose name it purports to be; and

(b) That each signer of the petition or section thereof, was, at the time of placing such signature on the petition, a registered qualified voter of the city; and

(c) That the affiant personally observed each signer placing thereon his signature, the date thereof and his residence address, by street and number, or, if no street or number exists, then a designation of such place of residence which will enable its location to be easily ascertained.

SEC. 9. Section 4009 of the Elections Code is amended and renumbered to read:

4008. Upon physical submission of the petition or sections thereof to the clerk of the legislative body, the clerk shall examine the same to determine whether the same qualifies for filing, as follows:

(1) The clerk shall ascertain the number of registered voters of the city as of the day the petition is offered for filing; and

(2) The clerk shall count the number of signatures appearing upon the petition, disregarding any signature which appears to be a duplicate, or any signature which does not bear in close proximity thereto, the date of such signature, and the address given for such person. If from the foregoing the clerk determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required by this article, the clerk shall accept the same for filing and it shall be deemed filed as of the date of the clerk's determination.

SEC. 10. Section 4009 is added to the Elections Code, to read:

4009. (a) After the petition has been filed, as herein provided, the clerk shall examine the same to determine:

(1) Whether each signature appearing thereon is the genuine signature of the person whose name the same purports to be; and

(2) Whether, as of the date of the filing of the petition, based upon an examination of the records of voters registration, that each person who placed his signature on said petition was, in fact, a registered qualified voter of the city as of the date of such filing; and

(3) Whether each signature bears, in immediate proximity thereto, a date and street address as hereinabove described.

(b) If any signature appearing on the petition is undated or bears a date which is prior or subsequent to the time during which signatures may be placed upon such petition, the clerk shall disregard such signature. If any signature does not bear in close proximity thereto, a residence address as hereinabove defined, such signature shall be disregarded.

SEC. 11. Section 4009.1 is added to the Elections Code, to read:

4009.1. The clerk's examination process shall be completed not later than thirty (30) days from the date of the filing of the petition. The clerk shall attach to the petition a certificate showing the result of the examination, and the said petition and certificate shall be presented to the legislative body of the city at the next regular meeting thereof. The clerk shall, within five (5) days after his certification, forward a copy of such certification to each of the circulators of the petition.

SEC. 12. Section 4009.2 is added to the Elections Code, to read:

4009.2. If the clerk's certification prepared pursuant to Section 4009.1 shows that the petition is insufficient by reason of the failure to obtain sufficient valid signatures thereon, a supplemental petition, in form a duplicate of the original petition, bearing new additional signatures, may be circulated and filed within thirty (30) days of the mailing of the certificate of insufficiency to the circulators of the original petitions. Supplemental petitions shall be processed by the clerk in the same manner as set forth herein with respect to original petitions.

SEC. 13. Section 4051 of the Elections Code is amended to read:

4051. If a petition protesting against the adoption of an ordinance is filed with the clerk of the legislative body of the city within 30 days of the adoption of the ordinance and is signed by not less than 10 percent of the voters of the city on the day the petition is filed with the clerk or, in a city with 1,000 or less registered voters, is signed by not less than 25 percent of the voters or 100 voters of the city on the day the petition is filed whichever is the lesser, the effective date of the ordinance shall be suspended, and the legislative body shall reconsider the ordinance.

SEC. 14. Section 4051.1 is added to the Elections Code, to read:

4051.1. Upon physical submission of the petition or sections thereof to the clerk of the legislative body, the clerk shall examine the same to determine whether the same qualifies for filing, as follows:

(1) The clerk shall ascertain the number of registered voters of the city as of the day the petition is offered for filing; and

(2) The clerk shall count the number of signatures appearing upon the petition, disregarding any signature which appears to be a duplicate, or any signature which does not bear in close proximity thereto, the date of such signature, and the address given for such person. If from the foregoing the clerk determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required by this article, the clerk shall accept the same for filing and it shall be deemed filed as of the date of the clerk's determination.

SEC. 15. Section 4051.2 is added to the Elections Code, to read:

4051.2. (a) After the petition has been filed, as herein provided, the clerk shall examine the same to determine:

(1) Whether each signature appearing thereon is the genuine signature of the person whose name the same purports to be; and

(2) Whether, as of the date of the filing of the petition, based upon an examination of the records of voters registration, that each person who placed his signature on said petition was, in fact, a registered qualified voter of the city as of the date of such filing; and

(3) Whether each signature bears, in immediate proximity thereto, a date and street address as hereinabove described.

(b) If any signature appearing on the petition is undated or bears a date which is prior or subsequent to the time during which signatures may be placed upon such petition, the clerk shall disregard such signature. If any signature does not bear in close proximity thereto, a residence address as hereinabove defined, such signature shall be disregarded.

SEC. 16. Section 4051.3 is added to the Elections Code, to read:

4051.3. The clerk's examination process shall be completed not later than thirty (30) days from the date of the filing of the petition. The clerk shall attach to the petition a certificate showing the result of the examination, and the said petition and certificate shall be presented to the legislative body of the city at the next regular meeting thereof. The clerk shall, within five (5) days after his certification, forward a copy of such certification to each of the circulators of the petition.

SEC. 17. Section 4053 of the Elections Code is amended to read:

4053. Signatures upon petitions, and sections thereof, shall be secured, and the petition, together with all sections thereof, shall be filed within 30 days from the date of the adoption of the ordinance to which it relates. If such petitions are not filed within the time permitted by this section, the same shall be void for all purposes.

SEC. 18. Section 4053.1 is added to the Elections Code, to read:

4053.1. Elections, pursuant to this article, shall be held in accordance with the provisions of Sections 4014 through 4022, inclusive, hereof.

SEC. 19. Section 27506 of the Elections Code is amended to read:

27506. The notice, statement and answer, if any as referred to in Sections 27504 and 27505 shall be published or posted or both as follows:

(1) If there is a newspaper of general circulation, as described in Sections 6000 to 6066 of the Government Code, adjudicated as such, said notice and statement shall be published therein at least once; or

(2) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, said notice and statement shall be published at least once, in a newspaper circulated within the city and adjudicated as being of general circulation within the county in which the city is located, and said notice and statement shall be posted in three (3) public places within the city, which public places shall be those utilized for the purpose of posting ordinances as required in Section 36933 of the Government Code; or

(3) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, and there is no newspaper of general circulation adjudicated as such within the county, circulated within the city, then the said notice and statement shall be posted in the manner described in subparagraph 2 hereof.

SEC. 19.5. Section 27507 of the Elections Code is amended to read:

27507. Seven days after the publication or posting of the notice, statement and answer, if any, the recall petition may be circulated and signed. The petition shall bear a copy of the

notice of intention, statement and answer, if any. If the officer has not answered, the petition shall so state. Signatures shall be secured and the petition filed within 60 days from the filing of the notice of intention. If such petition is not filed within the time permitted by this section, the same shall be void for all purposes.

SEC. 20. Section 27508 of the Elections Code is repealed.

SEC. 21. Section 27509 of the Elections Code is amended to read:

27509. Each separate section of the petition shall have attached an affidavit made by a voter of the city which shall state that according to the best information and belief of the affiant, the following:

(a) That each signature appearing on each section of the petition is the genuine signature of the person whose name it purports to be; and

(b) That each signer of the petition or section thereof, was, at the time of placing such signature on the petition, a registered qualified voter of the city or district; and

(c) That the affiant personally observed each signer placing thereon the date of such signature and his residence address.

SEC. 22. Section 27510 of the Elections Code is amended to read:

27510. Upon physical submission of the petition or sections thereof to the clerk of the legislative body, the clerk shall examine the same to determine whether the same qualifies for filing, as follows:

(1) The clerk shall ascertain the number of registered voters of the city as of the day the petition is offered for filing; and

(2) The clerk shall count the number of signatures appearing upon the petition, disregarding any signature which appears to be a duplicate, or any signature which does not bear in close proximity thereto, the date of such signature, and the address given for such person. If from the foregoing the clerk determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required by this article, the clerk shall accept the same for filing and it shall be deemed filed as of the date of the clerk's determination.

SEC. 23. Section 27510.1 is added to the Elections Code, to read:

27510.1. (a) After the petition has been filed, as herein provided, the clerk shall examine the same to determine:

(1) Whether each signature appearing thereon is the genuine signature of the person whose name the same purports to be; and

(2) Whether, as of the date of the filing of the petition, based upon an examination of the records of voters registration, that each person who placed his signature on said petition was, in fact, a registered qualified voter of the city as of the date of such filing; and

(3) Whether each signature bears, in immediate proximity thereto, a date and street address as hereinabove described.

(b) If any signature appearing on the petition is undated or bears a date which is prior or subsequent to the time during which signatures may be placed upon such petition, the clerk shall disregard such signature. If any signature does not bear in close proximity thereto, a residence address as hereinabove defined, such signature shall be disregarded.

SEC. 24. Section 27510.2 is added to the Elections Code, to read:

27510.2. The clerk's examination process shall be completed not later than thirty (30) days from the date of the filing of the petition. The clerk shall attach to the petition a certificate showing the result of the examination, and the said petition and certificate shall be presented to the legislative body of the city at the next regular meeting thereof. The clerk shall, within five (5) days after his certification, forward a copy of such certification to each of the circulators of the petition.

SEC. 25. Section 27511 of the Elections Code is amended to read:

27511. If the clerk's certification prepared pursuant to Section 27510.2 shows that the petition is insufficient by reason of the failure to obtain sufficient valid signatures thereon, a supplemental petition, in form a duplicate of the original petition, bearing new additional signatures, may be circulated and filed within thirty (30) days of the mailing of the certificate of insufficiency to the circulators of the original petitions. Supplemental petitions shall be processed by the clerk in the same manner as set forth herein with respect to original petitions.

CHAPTER 1149

An act to amend Section 12001 of the Government Code, relating to salaries for state officers, and making an appropriation therefor.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 12001 of the Government Code is amended to read:

12001. The Governor may appoint and fix the salaries of such secretaries and other personnel as he deems necessary for his office. No salary fixed under this section shall exceed sixteen thousand five hundred dollars ($16,500) annually, except the salary of the Executive Secretary to the Governor shall not exceed twenty-four thousand five hundred dollars ($24,500) annually, and the salaries of eight secretaries

to the Governor, including not more than two legislative secretaries, shall not exceed twenty thousand dollars ($20,000) annually.

SEC. 2. The sum of twenty-seven thousand dollars ($27,000) is hereby appropriated from the General Fund for the 1967–1968 fiscal year for the purposes of this act.

CHAPTER 1150

An act to amend Sections 6704, 6714, 6902, 6903, 6905, 6908, 6909, and 9003 of the Financial Code, relating to savings and loan associations.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 6704 of the Financial Code is amended to read:

6704. An association may enter into or assume leases covering real property used or to be used in connection with the business of such association. No association issuing stock or investment certificates shall enter into or assume leases providing in the aggregate for rental payments in any one year in excess of five percent (5%) of the sum of the aggregate of the following:

(1) Issued and outstanding guarantee stock.

(2) Paid-in surplus.

(3) Federal insurance reserve.

(4) Loan reserve.

(5) Any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation, after deducting from such total any amounts invested in real property pursuant to subdivision (a) of Section 6702.

SEC. 2. Section 6714 of the Financial Code is amended to read:

6714. Associations may make deposits with any bank which is a member of the Federal Deposit Insurance Corporation and such deposits are not loans within the meaning of this division.

SEC. 3. Section 6902 of the Financial Code is amended to read:

6902. The amount specified for the stock, surplus, undivided profits, and reserves of each association shall be at least five percent (5%) of the aggregate amount of its outstanding investment certificates.

SEC. 4. Section 6903 of the Financial Code is amended to read:

6903. The amount specified for the stock, surplus, undivided profits and reserves of each association shall be at least

five percent (5%) of the aggregate amount of its outstanding shares.

SEC. 5. Section 6905 of the Financial Code is amended to read:

6905. Each association's stock, surplus, undivided profits and reserves, for the purpose of this article, shall consist of any one, or the sum of any of the following:

(a) Issued and outstanding guarantee stock.

(b) Surplus.

(c) Undivided profits.

(d) Loan reserve, federal insurance reserve and reserve for bad debts.

(e) Other reserves as the commissioner prescribes.

SEC. 6. Section 6908 of the Financial Code is amended to read:

6908. If the sum of its stock, surplus, undivided profits and reserves falls below the level specified in this article, the commissioner shall require the association to increase its capital and reserves, within the time and manner designated by the commissioner, so as to bring the sum of its stock, surplus, undivided profits, and reserves to the level specified in this article, and shall, in addition, require the association to do any one or more of the following:

(a) Increase its liquid assets and maintain such increased liquidity at the level specified by the commissioner.

(b) Cease:

(1) Issuing investment certificates of all classes or categories, except in exchange for certificates already issued.

(2) Issuing investment certificates of any particular class, category, or amount.

(3) Receiving additional funds upon investment certificates already issued (other than installment certificates).

(4) Limiting the receipt of additional funds to existing certificate holders.

The provisions of this subdivision shall not prevent the association from crediting to investment certificates the interest earned thereon.

(c) Cease all lending, lending in a particular area, or making a particular type or category of loans.

(d) Cease purchase of loans or other investments.

(e) Cease or limit promotional expenditures.

(f) Convene a meeting or meetings of its board of directors with the commissioner in attendance to accomplish the objectives of this section.

(g) Take such other steps as the commissioner deems necessary to safeguard the interests of the association and the public.

SEC. 7. Section 6909 of the Financial Code is amended to read:

6909. If the sum of its stock, surplus, undivided profits and reserves fall below the level specified in this article, the commissioner shall require the association to increase its capi-

tal and reserves, within the time and manner designated by the commissioner, so as to bring the sum of its stock, surplus, undivided profits, and reserves to the level specified in this article, and shall in addition, require the association to do any one or more of the following:

(a) Increase its liquid assets and maintain such increased liquidity at the level specified by the commissioner.

(b) Cease:

(1) Issuing withdrawable shares of all classes or categories, except in exchange for shares already issued.

(2) Issuing withdrawable shares of any particular class, category, or amount.

(3) Receiving additional funds upon withdrawable shares already issued (other than installment shares).

(4) Limiting the receipt of additional funds to existing shareholders.

The provisions of this subdivision shall not prevent the association from crediting to withdrawable shares the interest earned thereon.

(c) Cease all lending, lending in a particular area, or making a particular type or category of loans.

(d) Cease purchase of loans or other investments.

(e) Cease or limit promotional expenditures.

(f) Convene a meeting or meetings of its board of directors with the commissioner in attendance to accomplish the requirements of this section.

(g) Take such other steps as the commissioner deems necessary to safeguard the interests of the association and the public.

SEC. 8. Section 9003 of the Financial Code is amended to read:

9003. Whenever the commissioner takes possession of an association's property, business, and assets pursuant to this article, the association may within 10 days after the taking of possession commence an action in the superior court of the county in which the principal office of the association is located, to enjoin further proceedings. The court after citing the commissioner to show cause why further proceedings should not be enjoined, hearing the allegations and proofs of the parties, and determining the facts, may upon the merits dismiss such action, or enjoin the commissioner from further proceedings and direct him to surrender the business, property, and assets to the association.

CHAPTER 1151

An act to repeal Section 3279 of the Fish and Game Code, relating to licensed game bird clubs.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 3279 of the Fish and Game Code is repealed.

CHAPTER 1152

An act to amend Section 10424 of, and to add Section 10209 to, the Streets and Highways Code, relating to the Municipal Improvement Act of 1913.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 10209 is added to the Streets and Highways Code, to read:

10209. To expedite the conduct of proceedings and the making of any acquisition or improvement authorized by this division the legislative body may at any time transfer into a special fund designated by the name of the improvement proceeding, out of any available funds of the municipality, such sums as it deems necessary. The sums so transferred are a loan to the special fund, and shall be repaid out of the proceeds of the assessments provided for in this division.

SEC. 2. Section 10424 of the Streets and Highways Code is amended to read:

10424. As fast as collected the tax collector shall pay the funds collected by him pursuant to this division, either upon voluntary payment or as the result of sales, to the treasurer of the city. The city treasurer shall place the funds so received in a special fund designated by the name of the improvement proceeding. Payment shall be made out of the special fund so established only for the purposes provided for in this division

CHAPTER 1153

An act to add Article 7 (commencing with Section 26620) to Chapter 3 of Division 21 of, and to repeal Article 7 (commencing with Section 26615) of Chapter 3 of Division 21 of the Health and Safety Code, relating to local administration of pure food laws.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Article 7 (commencing with Section 26615) of Chapter 3 of Division 21 of the Health and Safety Code is repealed.

SEC. 2. Article 7 (commencing with Section 26620) is added to Chapter 3 of Division 21 of the Health and Safety Code, to read:

Article 7. Local Administration

26620. "Health officer" as used in this article means the health officer appointed by a county board of supervisors pursuant to Section 451, by the governing body of a city pursuant to Section 502, or by the governing body of a city and county, or by a district board pursuant to Section 940.

26621. "Local health department" as used in this article means the health department of a city, county, city and county, or local health district which qualifies for state assistance pursuant to Chapter 8 (commencing with Section 1100) of Part 2 of Division 1.

26622. The state board, upon the request of a health officer, may authorize the local health department of such city, county, city and county, or local health district to enforce this chapter, and the rules and regulations adopted pursuant to this chapter, as they pertain to retail food establishments, as defined by regulation, within the area under the jurisdiction of such local health department, if the state board determines the local health department has sufficient personnel with adequate training to do so.

26623. The state board may revoke any authorization made pursuant to this article, if it determines, after a hearing conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that the local health department authorized pursuant to this article is not enforcing this chapter, or the rules and regulations adopted thereunder, or no longer has an adequate staff qualified to do so.

26624. A local health department authorized by the state board to enforce this chapter shall have authority to make inspections, take samples, make laboratory examinations, impose and remove quarantines, hold informal hearings, certify

facts to the district attorney, and institute proceedings for the forfeiture, condemnation, and destruction of articles found to be adulterated or misbranded. Such actions shall be instituted in the name of the city, county, city and county, or district of which such health department is a part, and shall conform to the requirements of this chapter and the rules and regulations adopted by the state board pursuant to this chapter.

26625. For purposes of this article, the health officer and his deputies, shall have the same powers as are possessed by peace officers of this state.

26626. When an examination or analysis made pursuant to the provisions of this chapter shows that any provision of this chapter has been violated, notice of the fact together with a copy of the findings thereof, shall be furnished to the party or parties from whom the sample was obtained, or who issued the guaranty, as provided in this chapter.

26627. The health officer shall set a time for a hearing, at which the parties may be heard before him or his designee. At least 15 days' notice of such hearing shall be served upon the parties interested. The hearing shall be private and confined to questions of fact. Appearances may be made in person or by attorney and testimony may be taken and evidence introduced as to the correctness of the findings made by the person making the examination or performing the analysis.

26628. If such examination or analysis is found to be correct, or if the party or parties fail to appear after notice duly given, the health officer may certify the facts found to the district attorney of the county. No publication shall be made until after the hearing is concluded.

26629. The provisions of this article shall not be construed as repealing, either directly or by implication, any of the existing sections of this chapter, but shall be construed as constituting an alternative method of enforcing the same. The provisions of this article shall not be deemed to affect any previous authorization by the state board to a local health department of a county, city, or city and county to enforce provisions of this chapter.

26630. The state board may prescribe such rules and regulations relating to the operation of a local health department as it may deem necessary fully to effectuate the provisions of this article, including, but not limited to, requirements relating to the reporting of activities and the numbers and qualification of personnel.

CHAPTER 1154

An act to add Section 685.1 to the Harbors and Navigation Code, relating to vessel registration cancellation.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 685.1 is added to the Harbors and Navigation Code, to read:

685.1. The department may suspend, cancel, or revoke the registration of a vessel, a certificate of number, sticker, certificate of ownership, or temporary certificate of number in any of the following cases:

(a) When the department is satisfied that the registration or the certificate of number, sticker, certificate of ownership, or temporary certificate of number was fraudulently obtained or erroneously issued.

(b) When the department determines that the required fee has not been paid and the same is not paid upon reasonable notice and demand.

CHAPTER 1155

An act to add Sections 31621.1, 31671.01, and 31676.11 to, and to amend Sections 31454.5, 31671.6, 31806, and 31808 of, the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 31454.5 of the Government Code is amended to read:

31454.5. In any county subject to the provisions of Section 31676.1, 31676.11, or 31695.1 the board of supervisors may, by vote entered in the minutes of the board, make an additional appropriation sufficient to fund over a period of 30 years any deficit which may result to the system because of the adoption of Section 31676.1, 31676.11, or 31695.1 or by the adoption of Articles 6.8, 7.5 and 8.7. The board of supervisors may make such additional appropriation whether recommended by the board or not.

SEC. 1 3. Section 31621.1 is added to the Government Code, to read:

31621.1. In counties adopting Section 31676.11 the normal rates of contribution except for members covered by Article 6.8 shall be such as will provide an average annuity at age 55 equal to $\frac{1}{120}$ of the final compensation of members not

covered by Article 6.8, according to the tables adopted by the board of supervisors for each year of service rendered after entering the system.

SEC. 1.5. Section 31671.01 is added to the Government Code, to read:

31671.01. This section shall apply to any county subject to the provisions of Section 31676.11. On January 1, 1973, or at the expiration of five years after a retirement system adopts the provisions of Section 31676.11, whichever is later, every member, who had attained age 65 shall be retired forthwith. Thereafter, every member shall be retired as of the first day of the calendar month next succeeding that in which he attains age 65.

This section shall not apply to any officer holding an elective office.

SEC. 2. Section 31676.11 is added to the Government Code, to read:

31676.11. This section may be made applicable in any county on the first day of the month after the board of supervisors of such county adopts, by majority vote, a resolution providing that this section shall become applicable in such county. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed seventy-five percent (75%) of the member's final compensation.

Age at retirement	Fraction	
	Men	Women
50	.7279	.7454
50¼	.7393	.7561
50½	.7506	.7668
50¾	.7619	.7775
51	.7732	.7882
51¼	.7885	.7998
51½	.7978	.8114
51¾	.8102	.8230
52	.8225	.8346
52¼	.8360	.8472
52½	.8494	.8598
52¾	.8629	.8724
53	.8764	.8850
53¼	.8911	.8987
53½	.9059	.9125
53¾	.9206	.9262

Age at retirement	Fraction Men	Women
54	.9353	.9399
54¼	.9515	.9549
54½	.9676	.9699
54¾	.9838	.9849
55	1.0000	1.0000
55¼	1.0110	1.0111
55½	1.0221	1.0223
55¾	1.0332	1.0335
56	1.0443	1.0447
56¼	1.0591	1.0597
56½	1.0739	1.0747
56¾	1.0887	1.0898
57	1.1035	1.1048
57¼	1.1191	1.1207
57½	1.1348	1.1367
57¾	1.1504	1.1526
58	1.1660	1.1686
58¼	1.1826	1.1855
58½	1.1991	1.2025
58¾	1.2157	1.2195
59	1.2322	1.2365
59¼	1.2498	1.2547
59½	1.2673	1.2729
59¾	1.2849	1.2911
60	1.3025	1.3093
60¼	1.3100	1.3168
60½	1.3175	1.3243
60¾	1.3250	1.3318
61	1.3325	1.3393
61¼	1.3400	1.3468
61½	1.3475	1.3543
61¾	1.3550	1.3618
62	1.3625	1.3693
62¼	1.3700	1.3768
62½	1.3775	1.3843
62¾	1.3850	1.3918
63	1.3925	1.3993
63¼	1.4000	1.4068
63½	1.4075	1.4143
63¾	1.4150	1.4218
64	1.4225	1.4293
64¼	1.4300	1.4368
64½	1.4375	1.4443
64¾	1.4450	1.4518
65	1.4525	1.4593

Contributions shall not be made by members having credit for 30 years of service.

In any county operating under this section any limitations in any provisions of this chapter upon the amount of compen-

sation used for computing rates of contributions shall be disregarded.

Wherever in this chapter reference is made to survivorship benefits and rights under Section 31676.1, the same shall apply to this section.

SEC. 3. Section 31671.6 of the Government Code is amended to read:

31671.6. In any county subject to the provisions of Section 31676.1 or Section 31676.11 every officer holding an elective office shall be retired at the end of the first term to which he is elected which commences on a date following his 70th birthday.

SEC. 4. Section 31806 of the Government Code is amended to read:

31806. The provisions of this chapter requiring retirement at age 65 or 70, whichever applies, shall not be applicable to any person who is a member on the effective date of this article when the application of such provision would preclude the member from qualifying for federal benefits, but such member shall be retired forthwith, as provided in Section 31671 or Section 31671.01, upon qualifying for such federal benefits.

SEC. 5. Section 31808 of the Government Code is amended to read:

31808. In any county or district subject to the provisions of Section 31676.1 or 31676.11, the retirement allowance payable for retirement service rendered prior to the effective date of the resolution mentioned in Section 31800 shall be computed in accordance with the provisions of Section 31676.1 or 31676.11, whichever is applicable. The retirement allowance with respect to service performed after the effective date of this article shall equal the total of the following:

(a) The fraction of one-ninetieth of the first three hundred fifty dollars ($350) monthly of the member's final compensation set forth in the table appearing in Section 31676.1 or 31676.11, whichever is applicable, in the column applicable to his sex and age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service as provided therein.

(b) The fraction of one-sixtieth of any remaining portion of the member's final compensation set forth in the table appearing in Section 31676.1 or 31676.11, whichever is applicable, in the column applicable to his sex and age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service.

CHAPTER 1156

An act to add Section 55668.1 to the Water Code, relating to county waterworks districts.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 55668.1 is added to the Water Code, to read:

55668.1. If the board determines that property (hereinafter called the "benefited property") within the district is receiving service from improvements which do not benefit the district as a whole and such benefited property is not obligated to pay for any portion of such improvements by means of a special rate or special tax but other property within the district is paying for such improvements by a special rate or tax, and if the board determines further that unless such benefited property is obligated to pay its pro rata share of the cost of improvements it will benefit unjustly and cast an inequitable burden on the property paying for such improvements, the board, after public hearing to determine the benefited property, by resolution adopted by $\frac{4}{5}$ vote of all of its members, may declare a special zone formed, describing the boundaries of the benefited property and the board thereupon shall be authorized to fix and collect a special rate or charge so that such benefited property shall pay its pro rata share of the capital cost of such improvements.

This section shall remain in effect until the 61st day after the final adjournment of the 1968 Regular Session of the Legislature, and shall have no force or effect after that date.

This section shall only apply to the Ventura County Waterworks District No. 6. It is hereby declared to be necessary to enact this special law with respect to such district because of special facts and circumstances existing therein:

Due to inadvertence, a portion of the district, although receiving the benefits of certain public improvements acquired by the district, is not included within the area of the district which is being assessed to pay the bond interest and principal of the bonds issued to finance acquisition of the public improvements. Under existing law no zone can be created unless a petition is presented by owners representing at least 25 percent of the total assessed valuation of the real property within such proposed zone. Property owners of the benefited land will not request that they be made part of the existing zone and be subject to assessments for their pro rata share of the improvement costs. Thus, this special law is necessary in order to require the owners of land, benefited by the improvements but excluded from the existing zone, to pay their pro rata share of the cost of such improvements.

CHAPTER 1157

An act to add Section 13021 to the Penal Code, relating to reporting by law enforcement agencies.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 13021 is added to the Penal Code, to read:

13021. Local law enforcement agencies shall report to the bureau such information as the Attorney General may by regulation require relative to misdemeanor violations of Chapter 7.5 (commencing with Section 311) of Title 9 of Part 1 of this code.

CHAPTER 1158

An act to amend Sections 74134, 74136, and 74138 of the Government Code, relating to municipal courts.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 74134 of the Government Code is amended to read:

74134. In the Riverside Judicial District, the salary of the clerk shall be on range 48 and the clerk may appoint:

(a) 1 assistant clerk on range 44.
(b) 3 municipal court clerks II on range 41.
(c) 5 municipal court clerks I on range 40.
(d) 1 principal account clerk on range 40.
(e) 1 senior clerk on range 36.
(f) 1 stenographer clerk II on range 35.
(g) 1 account clerk II on range 35.
(h) 14 clerks II on range 34.

SEC. 2. Section 74136 of the Government Code is amended to read:

74136. In the Desert Judicial District, the salary of the clerk shall be on range 48 and the clerk may appoint:

(a) 1 assistant clerk on range 44.
(b) 2 municipal court clerks II on range 41.
(c) 5 municipal court clerks I on range 40.
(d) 1 senior account clerk on range 37.
(e) 2 senior clerks on range 36.
(f) 8 clerks II on range 34.

SEC. 3. Section 74138 of the Government Code is amended to read:

74138. In the Corona Judicial District, the salary of the clerk shall be on range 46 and the clerk may appoint:

(a) 1 municipal court clerk I on range 40.

(b) 3 senior clerks on range 37.

(c) 1 account clerk II on range 35.

(d) 2 clerks II on range 34.

SEC. 4. This act shall be operative January 1, 1968.

CHAPTER 1159

An act to amend Sections 19160, 19161, and 19162 of the Streets and Highways Code, relating to highway lighting districts.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 19160 of the Streets and Highways Code is amended to read:

19160. Proceedings for the installation and maintenance of additional lights may be instituted by the governing body on its own initiative and shall be instituted by the governing body when:

(a) A written request therefor, signed by two members of the governing body, is filed with the governing body; or

(b) A petition therefor, signed by 20 or more taxpayers of the district, is filed with the governing body. The petition may consist of any number of separate instruments.

SEC. 2. Section 19161 of said code is amended to read:

19161. Upon institution of proceedings pursuant to Section 19160 of this code, if the governing body determines that it will be just and equitable and in the public interest for the additional cost, if any, of installation and maintenance of said additional lights to be paid by the district as a whole, it shall immediately estimate the cost of installing and maintaining the additional lights, and shall use such reserve funds as may have been accumulated for such purposes to the extent necessary and shall include in the regular tax levy for the first fiscal year in which it is possible to do so, a tax upon the taxable property within the district, at the equalized value thereof for that year, sufficient to pay the cost of installing and maintaining for one year the additional lights. If sufficient reserve funds are available or will be available from tax levy already made or after the tax levy has been made the governing body shall proceed with the installation of the additional lights.

SEC. 3. Section 19162 of said code is amended to read:

19162. If the governing body determines that it will not be just and equitable, or in the public interest, for the cost of installation and maintenance of said additional lights to be paid by the district as a whole, it shall terminate the proceedings without prejudice to the filing of a new petition pursuant to Chapter 17 of this part.

CHAPTER 1160

An act to amend Section 11525.2 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 11525.2 of the Business and Professions Code is amended to read:

11525.2. Whether by request of a county board of education or otherwise, a city or county may adopt an ordinance requiring any subdivider who within three years, or less, as prescribed by the ordinance, develops or completes the development of one or more subdivisions, comprised of a single parcel or contiguous parcels having more than 400 dwelling units within a single school district, which maintains an elementary school, to dedicate to the school district, within which such subdivisions are to be located, such land as the local governing body shall deem to be necessary for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate elementary school service. Such ordinance shall not be applicable to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative maps in accordance with Article 4 (commencing with Section 11550) of this chapter. The requirement of dedication shall automatically terminate unless the school district offers to enter into a binding commitment with the subdivider to accept the dedication within 30 days after the requirement is imposed by the city or county. The required dedication may be made at any time prior to the construction of the 401st dwelling unit. The school district shall, in the event that it accepts the dedication, repay to the subdivider or his successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

(a) The cost of any improvements to the dedicated land since acquisition by the subdivider.

(b) The taxes assessed against the dedicated land from the date demand for dedication is made.

(c) Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

If the land is not used by the school district, as a school site, within 10 years after dedication, the subdivider shall have the option to repurchase the property from the district for the amount paid therefor.

The school district to which the property is dedicated shall record a certificate with the county recorder in the county in which the property is located. The certificate shall contain the following information:

1. The name and address of the subdivider dedicating the property.

2. A legal description of the real property dedicated.

3. A statement that the subdivider dedicating the property has an option to repurchase the property if it is not used by the school district as a school site within 10 years after dedication.

4. Proof of the acceptance of the dedication by the school district and the date of the acceptance. The certificate shall be recorded not more than 10 days after the date of acceptance of the dedication.

"Dwelling unit" as used in this section means a place of residence and may be located in either a single or multiple dwelling unit building.

If any subdivider is aggrieved by, or fails to agree to the reasonableness of any requirement imposed pursuant to this section, he may bring a special proceeding in the superior court pursuant to Section 11525.

CHAPTER 1161

An act to add Section 602.9 to the Penal Code, relating to disruptive presence at schools.

[Approved by Governor August 14, 1967. Filed with Secretary of State August 14, 1967.]

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

SECTION 1. Section 602.9 is added to the Penal Code, to read:

602.9. Any person who comes into any school building or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful business thereon, and whose presence or acts interfere with the peaceful conduct of the activities of such school or disrupt the school or its pupils or school activities, and who remains there, after being asked to leave by the chief administrative official of that school or any designated agent of the chief administrative official who possesses a standard supervision credential or a standard administration credential or who carries out the same functions

as a person who possesses such a credential or, in the absence of the chief administrative official, the person acting as the chief administrative official, is guilty of a misdemeanor.

The term "school" as used in this section means any elementary school, junior high school, or senior high school.

CHAPTER 1162

An act to amend Sections 1418 and 1418.5 of the Penal Code, relating to exhibits and documents.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 1418 of the Penal Code is amended to read:

1418. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order all such exhibits, other than documentary exhibits, as may be released from the custody of the court without prejudice to the state, delivered to such party any time after the final determination of the action or proceeding; provided, however, where the action or proceeding has resulted in an order granting probation, such delivery may be made any time after the final determination of an appeal of such order, taken under the provisions of Section 1237, or after the time for such appeal has elapsed. In all cases in which the death penalty has been imposed no such order shall be made until the sentence of death has been carried out. If the party entitled to such exhibits is unknown, or fails to apply for the return of such exhibits, the procedure for their disposition shall be as follows:

After the expiration of one year from the time the conviction becomes final, or if the action or proceeding has not resulted in a conviction, at any time after the judgment has become final, the court in which the case was tried shall make an order specifying what exhibits may be released from the custody of the court without prejudice to the state. Upon receipt of such an order, the clerk of the court shall post a notice conspicuously in three public places in the county referring to the order, describing briefly the exhibits which the court has ordered disposed of and fixing the date and the place at which such exhibits will be offered for sale at public auction. The date fixed must be at least 20 days after the posting of the notice.

At any time prior to the time fixed for the auction, the owner or any person entitled to the possession of any of such exhibits may obtain from the court an order returning them to him.

Articles not returned to their owners or to persons entitled to their possession at or prior to the time set for the auction

shall be sold by the clerk to the highest bidder for cash; said articles shall be sold singly or in combinations. The money received from such sales shall be placed in the general fund of the county.

All exhibits offered for sale for which no bids have been received may be destroyed by the clerk or returned to the files.

Where the exhibit consists of money or currency and is unclaimed at the time of the auction, the clerk shall not offer it for sale but shall immediately upon the conclusion of the sale deposit it in the general fund of the county.

No exhibit shall be destroyed pursuant to the provisions of this section, until 60 days after notice of such proposed destruction has been served upon the party entitled to such exhibit by delivery of the notice to such party if his present residence is known, to his attorney of record if such party's present residence is not known, or to such party's last known address if his present residence is not known and he has no attorney of record. However, such notice is not necessary if the party entitled to such exhibit consents to its destruction.

SEC. 1.5. Section 1418 of the Penal Code is amended to read:

1418. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order all such exhibits, other than documentary exhibits, as may be released from the custody of the court without prejudice to the state, delivered to such party at any time after the final determination of the action or proceeding; provided, however, where the action or proceeding has resulted in an order granting probation, such delivery may be made any time after the final determination of an appeal of such order, taken under the provisions of Section 1237, or after the time for such appeal has elapsed. In all cases in which the death penalty has been imposed no such order shall be made until the sentence of death has been carried out. If the party entitled to such exhibits is unknown, or fails to apply for the return of such exhibits, the procedure for their disposition shall be as follows:

After the expiration of one year from the time the conviction becomes final, or if the action or proceeding has not resulted in a conviction, at any time after the judgment has become final, the court in which the case was tried shall make an order specifying what exhibits may be released from the custody of the court without prejudice to the state. Upon receipt of such an order, the clerk of the court shall transfer the property to the county purchasing and stores agency or other proper county agency for sale to the public.

At any time prior to the time fixed for the transfer, the owner or any person entitled to the possession of any of such exhibits may obtain from the court an order returning them to him.

Articles not returned to their owners or to persons entitled to their possession at or prior to the time set for the transfer

shall be sold by the proper receiving agency for cash; said articles shall be sold singly or in combinations. The money received from such sales shall be placed in the general fund of the county.

Where the exhibit consists of money or currency and is unclaimed at the time of the transfer, the clerk shall not transfer it but shall immediately deposit it in the general fund of the county.

No exhibit shall be destroyed pursuant to the provisions of this section, until 60 days after notice of such proposed destruction has been served upon the party entitled to such exhibit by delivery of the notice to such party if his present residence is known, to his attorney of record if such party's present residence is not known, or to such party's last known address if his present residence is not known and he has no attorney of record. However, such notice is not necessary if the party entitled to such exhibit consents to its destruction.

SEC. 2. Section 1418.5 of the Penal Code is amended to read:

1418.5. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order such documentary exhibits as may be released from the custody of the court without prejudice to the state delivered to such party any time after the final determination of the action or proceeding; provided, however, where the action or proceeding has resulted in an order granting probation, such delivery may be made any time after the final determination of an appeal of such order, taken under the provisions of Section 1237, or after the time for such appeal has elapsed.

If the party entitled to such documentary exhibits is unknown, or fails to apply for the return of said exhibits, the procedure for their disposition shall be as follows:

After the expiration of one year from the time the conviction becomes final, or if the action or proceeding has not resulted in a conviction, at any time after the judgment has become final, the court in which the case was tried shall make an order requiring such exhibits to be destroyed; provided, that no such order shall be made authorizing the destruction of any documentary exhibit if the destruction of such exhibits would prejudice the state.

In all cases in which the death penalty has been imposed no such order shall be made until the sentence of death has been carried out.

No exhibit shall be destroyed pursuant to the provisions of this section until 60 days after notice of such proposed destruction has been served upon the party entitled to such exhibit by delivery of the notice to such party if his present residence is known, to his attorney of record if such party's present residence is not known, or to such party's last known address if his present residence is not known and he has no attorney of record. However, such notice is not necessary if the party entitled to such exhibit consents to its destruction.

SEC. 3. Section 1.5 of this act shall become operative only if Assembly Bill No. 2053 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time Assembly Bill No. 2053 takes effect, at which time Section 1 of this act is repealed.

CHAPTER 1163

An act to amend Section 2934a of the Civil Code, relating to trustees of trust deeds.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 2934a of the Civil Code is amended to read:

2934a. The trustee under a trust deed upon real property given to secure an obligation to pay money and conferring no other duties upon the trustee than those which are incidental to the exercise of the power of sale therein conferred, may be substituted by the recording in the county in which the property is located of a substitution executed and acknowledged by all of the beneficiaries under such trust deed, or their successors in interest, and such substitution shall be effective notwithstanding any contrary provision in any trust deed executed on or after January 1, 1968.

The beneficiary or beneficiaries who elect to substitute trustees hereunder shall cause a copy of such substitution to be mailed, prior to the recording thereof, in the manner provided in Section 2924b of this code, to all persons to whom a copy of the notice of default would be required to be mailed by the provisions of Section 2924b of this code. The substitution must contain the date of execution of the trust deed, the name of the trustor, the book and page where the trust deed is recorded and the name of the new trustee, and an affidavit attached to said substitution to the effect that notice has been given to the persons and in the manner above required. The substitution shall also contain an acknowledgment signed and acknowledged by the trustee then of record of a receipt of a copy thereof, or an affidavit of personal service of a copy thereof, or of publication of notice thereof in accordance with Section 6061 of the Government Code, and where service is by publication the affidavit shall also show that a copy of such substitution had been mailed to said trustee at his last known address. From the time the substitution is filed for record, the new trustee shall succeed to all the powers, duties, authority and title granted and delegated to the trustee named in the deed of trust.

CHAPTER 1164

An act to amend Section 7027 of the Education Code, relating to vocational rehabilitation services.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 7027 of the Education Code is amended to read:

7027. Vocational rehabilitation services may only be provided any disabled individual who is of employable age or may be expected to be of employable age upon completion of rehabilitation services and for whom it has been determined vocational rehabilitation may be satisfactorily achieved.

Financial need shall be considered in the furnishing or denial of rehabilitation services in accordance with the Federal Vocational Rehabilitation Act and regulations adopted thereunder.

CHAPTER 1165

An act to amend Section 65402 of the Government Code and Sections 1701 and 1850 of the Streets and Highways Code, relating to highways.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 65402 of the Government Code is amended to read:

65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body. The provisions of this paragraph (a) shall not apply to acquisitions or abandonments for street widening or alignment

projects of a minor nature if the legislative body so provides by ordinance or resolution.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

SEC. 2. Section 1701 of the Streets and Highways Code is amended to read:

1701. A copy of such resolution shall be forwarded to the governing body of the city within which is included any portion of the highway. Such governing body may consent to the establishment of such included portion as a part of the county highway. Upon the taking effect of an ordinance or resolution containing such consent, such portion of such highway shall become a county highway for one or more of the following purposes: acquisition of rights-of-way, construction, maintenance, improvement, or repair.

SEC. 3. Section 1850 of the Streets and Highways Code is amended to read:

1850. Any city may, by ordinance or resolution, permit the use of its streets and highways by the board of supervisors of the county, for the purpose of constructing and maintaining thereon any highway or boulevard, as part of a county system of roads within any portion of its incorporated limits.

CHAPTER 1166

An act to amend Sections 1, 2, and 3 of Chapter 137 of the Statutes of 1966, First Extraordinary Session, relating to water pollution, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 1 of Chapter 137 of the Statutes of 1966, First Extraordinary Session, is amended to read:

Section 1. The sum of four million dollars ($4,000,000) is hereby appropriated for loans pursuant to this act from the Water Pollution Control Fund, from money deposited therein. The sum of two million dollars ($2,000,000) shall be allocated from the money deposited therein for the fiscal year 1967–1968 and the sum of two million dollars ($2,000,000) shall be allocated from such fund from money deposited therein for the fiscal year 1968–1969 pursuant to Section 12.2 of Chapter 138, Statutes of 1964, First Extraordinary Session, to the State Water Quality Control Board for expenditure, without regard to fiscal years, for loans to the North Tahoe Public Utility District, the Tahoe City Public Utility District, and the Truckee Sanitary District of such amounts as the board determines is necessary, together with other funds available for such purpose, to permit each district to construct necessary sewage and storm drainage facilities to prevent and control water pollution in the area served by said districts.

SEC. 2. Section 2 of Chapter 137 of the Statutes of 1966, First Extraordinary Session, is amended to read:

Sec. 2. No part of the appropriation made by this act shall be available for loans to the North Tahoe Public Utility District, the Tahoe City Public Utility District, or the Truckee Sanitary District unless:

(a) The North Tahoe Public Utility District, the Tahoe City Public Utility District, and the Truckee Sanitary District each execute an agreement with the State Water Quality Control Board under which each agrees to repay the amount of its loan, with interest, within 25 years following a 10-year moratorium on principal payments, and with the interest to be at a rate equal to the average, as determined by the board, of the net-interest costs to the state on the sales of general obligation bonds of the state that occurred during the calendar year immediately preceding the calendar year in which the interest falls due, during the moratorium on principal payments, with interest thereafter to be payable at the last rate applied during the moratorium; provided, that when the applicable average of the net-interest costs to the state is not a multiple of one-tenth of 1 percent, the interest rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net-interest costs.

(b) The North Tahoe Public Utility District, the Tahoe City Public Utility District, and the Truckee Sanitary District have issued, or the voters of the districts have approved the issuance of, bonds in the aggregate amount, among the districts, of not less than one million four hundred thousand dollars ($1,400,000), to finance facilities to construct necessary sewage and storm drainage facilities to prevent and control water pollution in the area served by said districts.

(c) The North Tahoe Public Utility District or the Tahoe City Public Utility District has annexed the entire service area of the proposed facilities between the existing western boundary of the North Tahoe Public Utility District and the eastern boundary of the Tahoe City Public Utility District at Dollar Point.

SEC. 3. Section 3 of Chapter 137 of the Statutes of 1966, First Extraordinary Session, is amended to read:

Sec. 3. The State Water Quality Control Board shall require the procedure, forms, and the submission of any information from the North Tahoe Public Utility District, the Tahoe City Public Utility District, and the Truckee Sanitary District it may deem necessary or appropriate.

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 such necessity are:

Increasing population and urbanization in the Lake Tahoe Basin and adjacent areas has created a serious sewage disposal problem which requires immediate action. The provisions of

this act are necessary to solve this problem and will assure the maintenance of the quality of the water of Lake Tahoe and adjacent areas under a coordinated plan. It is therefore essential that this act go into immediate effect.

CHAPTER 1167

An act to add Section 15606.5 to the Government Code, and to amend Sections 670, 11401 and 11403 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 15606.5 is added to the Government Code, to read:

15606.5. Training of assessors and their staffs under Sections 15606 and 15608 shall be provided by the board on a nonreimbursable basis.

SEC. 2. Section 670 of the Revenue and Taxation Code is amended to read:

670. (a) No person shall perform the duties or exercise the authority of an appraiser for property tax purposes as an employee of the state, any county or city and county, unless he is the holder of a valid appraiser's certificate issued by the State Board of Equalization.

(b) The board shall provide for the examination of applicants for such certificates and may contract with the State Personnel Board to give such examinations. Examinations shall be prepared by the board with the advice and assistance of a committee of five assessors selected by the assessors for this purpose. No certificate shall be issued to any person who has not attained a passing grade in such examination and demonstrated to the board that he is competent to perform the work of an appraiser as such competency is defined in regulations duly adopted by the board; provided, however, that any applicant for a certificate who is denied the same shall have a right to review of such denial in accordance with the State Administrative Procedure Act contained in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) Passage of a civil service or merit system examination for appraiser given by the state or any county or city and county shall suffice to meet the requirements of this section. The scope of such examination shall be approved by the Board of Equalization.

(d) Any person performing the duties of appraiser in county or city and county government at the time this section becomes effective shall be certified by examination on or before October 1, 1971, by the Board of Equalization. The board may

issue an appraiser's certificate without further examination to state employees who have passed a state civil service examination for appraiser prior to the date this section becomes effective.

(e) Except as permitted by subdivision (f), no employee of the state, any county, or city and county, shall perform the duties or exercise the authority of an auditor or an auditor-appraiser under Section 469 or Section 1815.1 of this code, or under Section 15624 of the Government Code, unless he holds a degree with a specialization in accounting from a recognized institution of higher education, or is a licensed accountant in the State of California, or has passed the state, or a county, or city and county civil service or merit system examination regularly given for the position of accountant or auditor by the testing body.

(f) Any person performing the duties of an auditor or auditor-appraiser for property tax purposes as an employee of the state, any county, or city and county at the time this section becomes effective shall fulfill the requirements of subdivision (e) of this section on or before October 1, 1972.

(g) This section does not apply to elected officials.

(h) No charge shall be made to counties or to applicants for examinations and certifications under this section or for training conducted by the board under Section 671.

SEC. 3. Section 11401 of the Revenue and Taxation Code is amended to read:

11401. The board shall levy upon private cars assessed under this part, for each year, a tax computed at the next preceding year's average rate of general property taxation in the state and shall enter the tax upon a record maintained by the board for that purpose.

SEC. 4. Section 11403 of the Revenue and Taxation Code is amended to read:

11403. The board shall compute the average rate of general property taxation in the state by (a) adding the county, city, school district, and other general taxes, but not the special taxes on intangibles, aircraft, baled cotton or any other property which is subject to a uniform statewide tax rate, nor special assessments, and (b) dividing the amount obtained by the total assessed valuation in the state as shown by the county tax rolls for the same year.

"Total assessed valuation," as used in this section, does not include the assessments of property which is subject to a uniform statewide tax rate.

"Special assessments," as used in this section, mean any amount levied solely against real estate or real estate and improvements.

SEC. 5. Section 670 of the Revenue and Taxation Code is amended to read:

670. (a) No person shall perform the duties or exercise the authority of an appraiser for property tax purposes as an employee of the state, any county or city and county, unless

he is the holder of a valid appraiser's certificate issued by the State Board of Equalization.

(b) The board shall provide for the examination of applicants for such certificates and may contract with the State Personnel Board to give such examinations. Examinations shall be prepared by the board with the advice and assistance of a committee of five assessors selected by the assessors for this purpose. No certificate shall be issued to any person who has not attained a passing grade in such examination and demonstrated to the board that he is competent to perform the work of an appraiser as such competency is defined in regulations duly adopted by the board; provided, however, that any applicant for a certificate who is denied the same shall have a right to review of such denial in accordance with the State Administrative Procedure Act contained in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) Passage of a civil service or merit system examination for appraiser given by the state or any county or city and county shall suffice to meet the requirements of this section. The scope of such examination shall be approved by the Board of Equalization.

(d) Any person performing the duties of appraiser in county, or city and county government at the time this section becomes effective shall be certified by examination on or before October 1, 1971, by the Board of Equalization. The board shall issue an appraiser's certificate without further examination to state, county, or city and county employees who have passed a civil service or merit system examination for appraiser prior to July 1, 1967.

(e) Except as permitted by subdivision (f), no employee of the state, any county, or city and county, shall perform the duties or exercise the authority of an auditor or an auditor-appraiser under Section 469 or Section 1815.1 of this code, or under Section 15624 of the Government Code, unless he holds a degree with a specialization in accounting from a recognized institution of higher education, or is a licensed accountant in the State of California, or has passed the state, or a county, or city and county civil service or merit system examination regularly given for the position of accountant or auditor by the testing body.

(f) Any person performing the duties of an auditor or auditor-appraiser for property tax purposes as an employee of the state, any county, or city and county at the time this section becomes effective shall fulfill the requirements of subdivision (e) of this section on or before October 1, 1972.

(g) This section does not apply to elected officials.

(h) No charge shall be made to counties or to applicants for examinations and certifications under this section or for training conducted by the board under Section 671.

SEC. 6. Section 5 of this act shall become operative only if the amendment to Section 670 of the Revenue and Taxation Code as proposed by Assembly Bill No. 1922 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 1922 takes effect; at which time Section 670 of the Revenue and Taxation Code as amended by Section 2 of this act is repealed.

CHAPTER 1168

An act to amend Sections 1110, 1209 and 1211 of the Harbors and Navigation Code, relating to pilotage fees and rates.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 1110 of the Harbors and Navigation Code is amended to read:

1110. All vessels, their tackle, apparel, and furniture, and their master and owners and agents are jointly and severally liable for pilotage fees, which may be recovered in any court of competent jurisdiction.

SEC. 2. Section 1209 of the Harbors and Navigation Code is amended to read:

1209. On or before August 1st of each even-numbered year, and pursuant to any petition of any party directly affected by pilotage rates established under this chapter, the committee shall call public hearings to be held within 30 days of the date of call for the purpose of obtaining information and data relating to pilotage rates. At the conclusion of such hearing or hearings, the committee shall review and evaluate all evidence obtained and, prior to November 1st following such hearing or hearings, shall submit to the Secretary of the Senate and the Chief Clerk of the Assembly a copy of its findings and recommendations for final determination, supported by a transcript of the proceedings of the committee concerning the adoption of pilotage rates.

SEC. 3. Section 1211 of the Harbors and Navigation Code is amended to read:

1211. In preparing its recommendations to the Legislature with relationship to pilotage rates, the committee may require an independent audit or audits by a public accountant selected by the committee, such audit or audits to cover bar pilotage operations for such years as may be determined by the committee, and the committee shall further give consideration to other relevant factors, including, but not limited to, the following:

(1) The costs to the pilots, individually or jointly, of providing pilot service as required.

(2) A net return to the pilot sufficient to attract and hold persons capable of performing this service with safety to the public and protection to the property of persons using the service; and the relationship of that income to any changes in cost of living indices.

(3) Pilotage rates charged for comparable services rendered in other ports and harbors in the United States.

(4) Additional factors affecting income to pilots such as the volume of shipping traffic using pilotage, change in the size or structure of vessels affecting pilotage rates, numbers of pilots available to perform services, income paid for comparable services, and other factors of related nature.

CHAPTER 1169

An act to amend Section 1170 of the Harbors and Navigation Code, relating to bar pilotage rates.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 1170 of the Harbors and Navigation Code is amended to read:

1170. Every vessel spoken inward or outward bound, shall pay the following rate of bar pilotage through the Golden Gate and into or out of the Bays of San Francisco, San Pablo and Suisun:

Seven dollars and fifty cents ($7.50) per draft foot of the vessel's deepest draft and fractions of a foot pro rata. The vessel's deepest draft shall be the maximum draft attained, on a stillwater basis, at any part of the vessel during the course of such transit inward or outward

SEC. 2. The Legislature in adopting this act at the 1967 session does so in concurrence with the recommendation of the Pilotage Rate Committee for San Francisco, San Pablo, and Suisun Bays constituted by Article 3 (commencing with Section 1200) of Chapter 2 of Division 5 of the Harbors and Navigation Code. The findings and recommendations of that committee were filed with the Legislature at the 1967 session and proposed the increase provided in the amendment of Section 1170 with the further provision that the Pilotage Rate Committee:

> " . . . recommends that the Legislature either provide in the statute or express its legislative intent that not less than seventy-five cents (75¢) per draft foot shall be set aside for the continuation of an actuarially sound pension plan for the San Francisco Bar Pilots."

The references are made to funds maintained by the San Francisco Bar Pilots, which is an affiliation of the bar pilots

appointed and licensed by the State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.

It is the intent of the Legislature in approving the recommendation of the Pilotage Rate Committee that that committee in pursuance of its continuing function should ascertain whether the recommendation for allocation to the funds specified above has been made in compliance with this recommendation and that report should be made thereon by the Pilotage Rate Committee as a part of the report to the Legislature required under the provisions of Article 3 (commencing with Section 1200) of Chapter 2 of Division 5 of the Harbors and Navigation Code.

CHAPTER 1170

An act to amend Section 204 of, and to add Section 204.1 to, the Labor Code, relating to payment of wages.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 204 of the Labor Code is amended to read:

204. All wages, other than those mentioned in Section 201, 202 or 204.1, earned by any person in any employment are due and payable twice during each calendar month, on days designated in advance by the employer as the regular paydays. Labor performed between the 1st and 15th days, inclusive, of any calendar month shall be paid for between the 16th and the 26th day of the month during which the labor was performed, and labor performed between the 16th and the last day, inclusive, of any calendar month, shall be paid for between the 1st and 10th day of the following month.

SEC. 2. Section 204.1 is added to the Labor Code, to read:

204.1. Commission wages paid to any person employed by an employer licensed as a vehicle dealer by the Department of Motor Vehicles are due and payable once during each calendar month on a day designated in advance by the employer as the regular payday. Commission wages are compensation paid to any person for services rendered in the sale of such employer's property or services and based proportionately upon the amount or value thereof.

The provisions of this section shall not apply if there exists a collective bargaining agreement between the employer and his employees which provides for the date on which wages shall be paid.

CHAPTER 1171

An act to amend Section 6956 of, and to repeal Sections 6956.1 and 6956.2 of, the Business and Professions Code, relating to collection agencies, to take effect immediately, tax levy.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 6956 of the Business and Professions Code is amended to read:

6956. (a) The director shall charge and collect the following fees:

(1) An original license fee of four hundred dollars ($400).

(2) A continuation fee of two hundred sixty dollars ($260), commencing with the fee due June 30, 1967.

(3) A duplicate license fee of twenty dollars ($20).

(4) A temporary license fee of fifty dollars ($50).

(5) A delinquency fee of twenty dollars ($20).

(6) An examination fee of seventy-five dollars ($75).

(7) A copy fee of twenty-five cents ($0.25) per 100 words copied.

(8) A reinstatment fee equal to the amount of the annual continuation fee plus a penalty of 50 percent thereof.

(9) For issuance of a qualification certificate twenty dollars ($20), except that the fee for issuance of the qualification certificate shall be waived if the certificate is issued less than 45 days before the date on which the continuation fee is due and payable.

(10) For continuation of a qualification certificate, twenty dollars ($20).

(11) For reinstatement of a qualification certificate under Section 6893, forty dollars ($40).

(b) The director shall furnish one copy of any issue or edition of the licensing law and rules and regulations to any applicant or licensee without charge; and shall charge and collect a fee of one dollar ($1) plus sales tax for each additional copy which may be furnished on request to any applicant or licensee, and for each copy furnished on request to any other person.

SEC. 2. Section 6956.1 of the Business and Professions Code is repealed.

SEC. 3. Section 6956.2 of the Business and Professions Code is repealed.

SEC. 4. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1172

An act to amend Section 9006, and to repeal Section 9039, of the Welfare and Institutions Code, relating to community mental health services.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 9006 of the Welfare and Institutions Code is amended to read:

9006. Each community mental health service shall have an advisory board of seven members appointed by the governing body. Three members of the advisory board shall be physicians engaged in private practice of medicine, and one-third of the physician members, when available, shall be specialists in psychiatry. One member shall be the chairman of the local governing body, one member shall be a superior court judge or an attorney selected by the superior court judges of the county, and two members shall be persons representative of the public interest in mental health and mental retardation services. The term of each member of the board shall be for three years; provided, however, that of the members first appointed, approximately one-third shall be appointed for one year, one-third for a term of two years, and one-third for a term of three years.

The chairman of a governing body may designate a member of that body to serve in his stead as a member of the advisory board.

SEC. 2. Section 9039 of said code is repealed.

CHAPTER 1173

An act to add Section 1608.5 to the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 1608.5 is added to the Revenue and Taxation Code, to read:

1608.5. Notwithstanding the provisions of Section 1608, the county board may, in its discretion, waive the examination of the person or agent making the application, if the board and the assessor are satisfied that the issues raised by the application have been considered by the board in previous years or are fully presented in the application, and if the person or

agent making the application requests such waiver in his application. The board (whether meeting as a board of equalization or as a board of supervisors) shall promptly act upon such request for waiver and shall give the applicant written notice of its decision thereon within 10 days after the filing of the application and request for waiver. If the board waives the examination of the person or agent making the application, it shall give such person or agent written notice of its decision on the merits of the application promptly after making such decision.

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 such necessity are:

Many county boards of supervisors will receive in 1967, numerous applications for reductions of property tax assessments raising the same issues as were considered and decided by such boards in connection with prior applications by the same applicant. Unless this act takes effect immediately such boards will be required by law to hold lengthy and repetitive hearings on such applications which will disrupt and impede said boards in carrying out their necessary and essential governmental functions. Therefore, it is necessary that this act go into immediate effect.

CHAPTER 1174

An act to add Article 5 (commencing with Section 21650) to Chapter 9 of Division 8 of the Business and Professions Code, relating to resale of goods.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Article 5 (commencing with Section 21650) is added to Chapter 9 of Division 8 of the Business and Professions Code, to read:

Article 5. Resale of Goods

21650. As used in this article, "adequate evidence of authority to sell" is evidence from which a reasonable person would conclude that the person presenting the evidence is the owner of the item he is attempting to sell or is the agent of such owner and is authorized by the owner to sell such item.

21651. As used in this article,

(a) "Junk dealer" has the meaning defined in Section 21601; and

(b) "Secondhand dealer" has the meaning defined in Section 21626.

21652. Every junk dealer or secondhand dealer shall, before accepting for resale from any person any finished product, new item of finished or merchandisable quality, inventory item of new materials or finished quality, or other goods and materials in such a state or condition as to show that they are neither abandoned nor scrapped, shall require that such person present adequate evidence of authority to sell. Violation of this section is a misdemeanor.

21653. Every junk dealer or secondhand dealer who resells any item acquired in violation of Section 21652 is guilty of a felony, if the value of the item exceeds two hundred dollars ($200), and is guilty of a misdemeanor if the value of the item does not exceed two hundred dollars ($200).

CHAPTER 1175

An act to amend Sections 36021, 36023, 36025, 36040, 36061, and 36062 of, and to add Sections 36026 and 36027 to, the Streets and Highways Code, relating to parking improvement areas.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 36021 of the Streets and Highways Code is amended to read:

36021. The city council shall adopt a resolution of intention to establish an area. The resolution shall contain the following information:

(a) Description of the boundaries of the proposed area;

(b) The time and place of a hearing to be held by the council to consider establishment of an area;

(c) The proposed uses to which the proposed revenue shall be put; and

(d) The initial or additional rate or levy, of the license tax, with a breakdown by class of business if such classification is to be used.

SEC. 3. Section 36023 of the Streets and Highways Code is amended to read:

36023. Whenever a hearing is held under this part, the city council shall hear all protests and receive evidence for or against the proposed action; the council shall also rule upon all protests which determination shall be final; and the council may continue the hearing from time to time. Proceedings shall terminate if protest is made by businesses in the proposed area which (1) pay a majority of the taxes within the area under the general business license tax, or (2) if there is no general business license tax, would pay a majority of the taxes within the area under the proposed tax.

SEC. 4. Section 36025 of the Streets and Highways Code is amended to read:

36025. If the council, following the hearing, decides to establish the proposed area, it shall adopt an ordinance to that effect. This ordinance shall contain the following information:

(a) The number, date and title of the resolution of intention pursuant to which it was adopted;

(b) The time and place the hearing was held concerning the formation of such area;

(c) The description of the boundaries of such area;

(d) A statement that the businesses in the area established by the ordinance shall be subject to the provisions of the tax or additional tax provided by this part;

(e) The initial or additional rate or levy, of the license tax to be imposed with a breakdown by classification of business, if such classification is used; and

(f) A statement that a parking and business improvement area has been established.

(g) The uses to which the revenue shall be put.

SEC. 5. Section 36026 is added to the Streets and Highways Code, to read:

36026. The city council may, for each of the purposes set out in Section 36000, establish and modify one or more separate benefit zones based upon the degree of benefit derived from the purpose and may impose a different rate of tax within each such benefit zone.

SEC. 6. Section 36027 is added to the Streets and Highways Code, to read:

36027. All provisions of this part applicable to establishment or disestablishment of an area also apply to the establishment, modification, or disestablishment of benefit zones pursuant to Section 36026. The establishment or the modification of any such zone shall follow the same procedure as provided for the establishment of a parking and business improvement area and the disestablishment shall follow the same procedure as provided for disestablishment of an area.

SEC. 7. Section 36040 of the Streets and Highways Code is amended to read:

36040. For purposes of the tax or additional tax to be imposed pursuant to this part, the city council may make a reasonable classification of businesses, giving consideration to various factors, including the degree of benefit received from parking only.

SEC. 8. Section 36061 of the Streets and Highways Code is amended to read:

36061. Changes may be made in the rate or additional rate or levy or in the uses to which the revenue shall be put as specified in the ordinance establishing the area, by ordinance adopted after a hearing before the city council.

The city council shall adopt a resolution of intention to change the rate or additional rate or levy or the uses to which the revenue shall be put at least 15 days prior to the hearing

required by this section. This resolution shall specify the proposed change and shall give the time and place of the hearing.

SEC. 9. Section 36062 of the Streets and Highways Code is amended to read:

36062. The tax need not be imposed on different classes, established pursuant to Chapter 3 (commencing with Section 36040) of the business on the same basis or at the same rate; provided, however, that the tax imposed for the purpose of the acquisition, construction or maintenance of parking facilities for the benefit of the area shall be imposed on the basis of benefit determined by the city council after giving consideration to the total cost to be recovered from the businesses upon which the tax is to be imposed, the total area within the boundaries of the parking and business improvement area, the assessed value of the land and improvements within the area, the total business volume generated within the area, and such other factors as the city council may find and determine to be a reasonable measure of such benefit.

CHAPTER 1176

An act to amend Sections 23057 and 23755 of the Education Code, relating to public higher education.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 23057 of the Education Code is amended to read:

23057. Any unmarried minor whose parent is in the active military service of the United States of America and is stationed in this state on the opening day of the semester during which the unmarried minor proposes to attend the university shall, for the purposes of this article (commencing at Section 23051), be deemed to be a resident of this state for such semester. Any student so deemed to be a resident of this state shall not lose such status by reason of the removal from the state of the parent on whom he is dependent, provided that such removal of the parent is pursuant to military order and involves transfer of the parent directly to a place outside of the United States where the parent continues to serve in the military service of the United States of America. Any admission fee or rate of tuition required of such unmarried minor shall not exceed the amount required of a resident student enrolled in the same course as such unmarried minor. Parent, for the purposes of this section, means the natural father during his lifetime and after his death, the natural mother of the unmarried minor, or an adopting parent.

SEC. 2. Section 23755 of the Education Code is amended to read:

23755. Any unmarried minor whose parent is in the active military service of the United States of America and is stationed in this state on the residence determination date, and any unmarried minor who is a bona fide resident of the State of California and is a dependent of a parent or guardian who is in the active military service of the United States of America but is stationed outside the continental limits of the United States on such residence determination date shall, for the purposes of Sections 23604 to 23607, inclusive, Sections 23751 to 23803, inclusive, Sections 24051 to 24102, inclusive, and Sections 24451 to 24453, inclusive, be deemed to be a resident of this state for such semester. Any admission fee or rate of tuition required of such person shall not exceed the amount required of a resident student enrolled in the same course as such person.

SEC. 3. Section 2 of this act shall become operative for semesters and quarters on and after January 1, 1968.

CHAPTER 1177

An act to add Section 14118 to the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 14118 is added to the Welfare and Institutions Code, to read:

14118. Notwithstanding any other provision of law, no provider of medical assistance under the California Medical Assistance Program shall hold itself forth as authorized to provide services to beneficiaries under the Medi-Cal Program by use of:

(a) Newspapers, magazines, radio, television, books, circulars, pamphlets, or any medium of communication whether or not for compensation, or

(b) Signs or displays of any character on or near its place of business or elsewhere.

CHAPTER 1178

An act to amend Sections 73484, 73485, 73486, 73487 and 73488 of the Government Code, relating to municipal courts.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 73484 of the Government Code is amended to read:

73484. There shall be one marshal who shall receive a salary of nine hundred dollars ($900) monthly.

SEC. 2. Section 73485 of the Government Code is amended to read:

73485. The marshal may appoint two deputy marshals III and two deputy marshals I.

SEC. 3. Section 73486 of the Government Code is amended to read:

73486. The following monthly salary schedule shall apply to persons employed in the clerk's office and marshal's office:

Salary range number	Steps A	B	C	D	E
18	$341	$358	$376	$394	$413
18.5	350	367	385	404	423
19	358	376	394	413	433
19.5	367	385	404	423	444
20	376	394	413	433	454
20.5	385	404	423	444	465
21	394	413	433	454	476
21.5	404	423	444	465	488
22	413	433	454	476	499
22.5	423	444	465	488	512
23	433	454	476	499	524
23.5	444	465	488	512	537
24	454	476	499	524	550
24.5	465	488	512	537	564
25	476	499	524	550	577
25.5	488	512	537	564	592
26	499	524	550	577	606
26.5	512	537	564	592	621
27	524	550	577	606	636
27.5	537	564	592	621	652
28	550	577	606	636	668
28.5	564	592	621	652	685
29	577	606	636	668	701
29.5	592	621	652	685	719
30	606	636	668	701	736
30.5	621	652	685	719	755
31	636	668	701	736	773
31.5	652	685	719	755	792

Salary range number	Steps A	B	C	D	E
32	668	701	736	773	811
32.5	685	719	755	792	831
33	701	736	773	811	851
33.5	719	755	792	831	872
34	736	773	811	851	893

SEC. 4. Section 73487 of the Government Code is amended to read:

73487. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 73486:

(a) Deputy clerk I ..... Range 19
(b) Deputy clerk II ..... Range 21
(c) Deputy clerk III ..... Range 23
(d) Deputy clerk IV ..... Range 26
(e) Clerk ..... Range 29
(f) Deputy marshal I ..... Range 19
(g) Deputy marshal III ..... Range 27

Subject to the provisions of the San Joaquin County ordinance, each person employed in the clerk's office or marshal's office, including the clerk but not including the marshal, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 5. Section 73488 of the Government Code is amended to read:

73488. Certain classifications in the clerk's office and marshal's office are deemed to be equivalent in job and salary level to certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the comparable classification in the clerk's office or marshal's office, as well as the related classifications hereinafter listed, shall be adjusted an equal number of ranges on the salary schedule. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until 60 days after the final adjournment of the next regular session of the Legislature.

(a) The classes of deputy clerk I and deputy marshal I are equivalent in job and salary level to the class of clerk-typist II in the service of San Joaquin County. Whenever the class of clerk-typist II is adjusted, the classes of deputy clerk I, deputy clerk II, deputy clerk III and deputy marshal I shall be adjusted an equal number of ranges on the salary schedule.

(b) The class of deputy clerk IV is equivalent in job and salary level to the class of superior court clerk in the service

of San Joaquin County. Whenever the class of superior court clerk is adjusted, the classes of deputy clerk IV and clerk shall be adjusted an equal number of ranges on the salary schedule.

(c) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal III shall be adjusted an equal number of ranges on the salary schedule.

CHAPTER 1179

An act to amend Sections 507, 508 and 512 of; to amend the heading of Article 2 (commencing with Section 530) of Chapter 1 of Division 1 of; to amend Sections 530, 531, 533, 539, 546, 5001, 5008 and 5008.5 of; to add Sections 507.1, 532, 534.5, 535, 540, 541, 542 and 543 to; and to repeal Sections 532, 535, 545, 570, and Chapter 1 (commencing with Section 8600) and Chapter 2 (commencing with Section 8700) of Division 7, of, the Public Resources Code, relating to the merger of the Division of Beaches and Parks and the State Park Commission with the Division of Recreation and the Recreation Commission in the Department of Parks and Recreation.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 507 of the Public Resources Code is amended to read:

507. There shall be one Deputy Director of Parks and Recreation who shall be a civil executive officer and shall be appointed by the Governor and serve at the pleasure of the Governor. The compensation of the deputy director shall be fixed by the director pursuant to law. The deputy director shall have such duties as shall be assigned, from time to time, by the director, and he shall be responsible to the director for the performance thereof.

SEC. 2. Section 507.1 is added to the Public Resources Code, to read:

507.1. For the purpose of administration, the director shall organize the department with the approval of the Governor in the manner he deems necessary to segregate and conduct the work of the department properly. With the approval of the Governor, the director may create such divisions and subdivisions as may be necessary and change or abolish them from time to time. The Division of Beaches and Parks and the Division of Recreation are hereby abolished and whenever any reference in any code or statute is made to the Division of Beaches and Parks or the Division of Recreation pertaining

to a duty, power, purpose, responsibility or jurisdiction of the Division of Beaches and Parks or the Division of Recreation it shall be deemed to be a reference to and to mean the Department of Parks and Recreation.

SEC. 3. Section 508 of said code is amended to read:

508. The director, with approval of the Director of Finance, may accept on behalf of the department federal grants for the purposes for which the department is established. Such grants shall be deposited in the Special Deposit Fund in the State Treasury provided for by Section 16370 of the Government Code, and may be expended under such terms and conditions as may be required by the federal government.

SEC. 4. Section 512 of said code is amended to read:

512. For the purpose of disseminating information relating to its activities, powers, duties, or functions, the department, with the approval of the Department of General Services, may issue publications, construct and maintain exhibits, and perform such acts and carry on such functions as in the opinion of the director will best tend to disseminate such information.

Such publications may be distributed free of charge to public libraries and to other state departments and state officers. The department may exchange copies with contemporary publications.

All money received by the department from the sale of publications shall be paid into the State Treasury to the credit of the General Fund.

SEC. 4.5. Section 512 of the Public Resources Code is amended to read:

512. For the purpose of disseminating information relating to its activities, powers, duties, or functions, the department may issue publications, construct and maintain exhibits, and perform such acts and carry on such functions as in the opinion of the director will best tend to disseminate such information.

Such publications may be distributed free of charge to public libraries and to other state departments and state officers. The department may exchange copies with contemporary publications.

All money received by the department from the sale of publications shall be paid into the State Treasury to the credit of the General Fund.

SEC. 5. The heading of Article 2 (commencing with Section 530) of Chapter 1 of Division 1 of said code is amended to read:

Article 2. State Park and Recreation Commission

SEC. 6. Section 530 of said code is amended to read:

530. There is in the department the State Park and Recreation Commission consisting of nine members appointed by the Governor, subject to confirmation by the Senate. Whenever any reference is made to the State Park Commission or Recreation Commission pertaining to a duty, power, purpose,

responsibility, or jurisdiction of the State Park Commission or the Recreation Commission, it shall be deemed to be a reference to and to mean the State Park and Recreation Commission.

The commission chairman may appoint committees composed of commission members and the duties of such committees shall include but not be limited to those duties set forth in Sections 539 and 540 of this code. Findings and recommendations of the committees shall be presented to the commission for consideration and action.

SEC. 7. Section 531 of said code is amended to read:

531. The members of the commission shall be selected from areas distributed throughout the state and because of their interest in park, recreation, and conservation matters and, except for initial members of the commission, shall serve for terms of four years or until their successors are appointed and qualified.

SEC. 8. Section 532 of said code is repealed.

SEC. 9. Section 532 is added to said code, to read:

532. Considering as candidates only those individuals holding membership on the State Park Commission or the Recreation Commission as of the effective date of this section, the Governor shall initially appoint two members whose terms shall expire on January 15, 1968; two members whose terms shall expire on January 15, 1969; two members whose terms shall expire on January 15, 1970; and three members whose terms shall expire on January 15, 1971.

SEC. 10. Section 533 of said code is amended to read:

533. In case of any vacancy, the appointment shall be for the remainder of the unexpired term. All appointments of members made when the Legislature is not in session shall be subject to confirmation by the Senate at the next regular or special session of the Legislature.

SEC. 11. Section 534.5 is added to the Public Resources Code, to read:

534.5. The Director of the Department of Parks and Recreation shall act as secretary of the commission and shall appoint such assistants as are necessary to carry out this function. Such assistants shall be appointed from among the employees of the department.

SEC. 12. Section 535 of said code is repealed.

SEC. 13. Section 535 is added to said code, to read:

535. The commission shall report annually to the Governor, through the director, on existing and operating recreational facilities, programs and activities of the state park system, and on the needs of the state and the local subdivisions thereof for recreational facilities, programs, and activities, and shall make recommendations for programs and activities to meet future needs of the state for parks and recreation.

SEC. 14. Section 539 of said code is amended to read:

539. The commission shall establish general policies for the guidance of the director in the administration, protection and development of the state park system.

SEC. 15. Section 540 is added to said code, to read:

540. (a) The commission shall cause to be studied and shall consider the whole problem of recreation of the people of the State of California as it affects and may affect the welfare of the people and especially the children and youth.

(b) The commission shall formulate, in cooperation with other state agencies, interested organizations and citizens, and shall recommend to the director, for adoption by him, a comprehensive recreational policy for the State of California.

SEC. 16. Section 541 is added to said code, to read:

541. In accordance with the general policies established by the commission, and as requested by the director, the Department of Parks and Recreation shall:

(a) Assist the commission in the performance of its functions under Sections 539 and 540 of this code.

(b) Investigate and report to the director and the commission upon the facilities and services which are needed or which exist in the public recreational areas within the state and by consultation with the authorities in charge, assist in the coordination and development of recreational programs; provided, that surveys of the recreational facilities and programs of local agencies shall be made only upon their request.

(c) Advise and cooperate with and encourage community recreation agencies interested in the use of or the development of recreational facilities and programs for public benefit.

(d) Advise the administrative officers of all state agencies, authorized by law to perform recreational services, of regular meetings of the commission and of such special meetings as may consider matters relating to their specific responsibilities, and invite such officers to attend and participate in deliberations of the commission without the authority to vote.

(e) Make studies and surveys and long range plans of recreational facilities and programs necessary to meet recreation needs throughout the state, and participate with other federal, state, and local governmental agencies in advance planning with respect to the development and coordination of recreational facilities and programs.

SEC. 17. Section 542 is added to said code, to read:

542. The department may encourage and render assistance in the promotion of training programs for volunteer and professional recreation leaders in cooperation with other agencies, organizations and institutions, and may encourage the establishment of standards for recreation personnel.

SEC. 18. Section 543 is added to said code, to read:

543. The department may assist every department, commission, board, agency and officer of the state in rendering recreational services in conformity with their respective authorized powers and duties and encourage and assist in the coordination of federal, state and local recreational activities.

SEC. 19. Section 545 of said code is repealed.

SEC. 20. Section 546 of said code is amended to read:

546. The director may authorize any employee of the department to exercise any power granted to, or to perform any duty imposed upon, the director.

SEC. 21. Section 570 of said code is repealed.

SEC. 22. Section 5001 of said code is amended to read:

5001. The Department of Parks and Recreation has control of the state park system.

SEC. 23. Section 5008 of said code is amended to read:

5008. The department shall protect the state park system from damage and preserve the peace therein.

The director may confer on any officer or employee of the department the full authority and powers of peace officers in the state park system for the purpose of enforcing the provisions of this chapter, the rules and regulations of the department, the provisions of Section 267 and Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code, and the rules and regulations of the Harbors and Watercraft Commission.

Any person who violates the rules and regulations established by the department is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding 90 days, or by a fine not exceeding five hundred dollars ($500), or by both such fine and imprisonment.

SEC. 24. Section 5008.5 of said code is amended to read:

5008.5. Whenever any officer or employee of the department designated as a peace officer pursuant to Section 5008 arrests any person for violation of any state park regulation, for violation of any Harbors and Watercraft Commission rule or regulation or for violation of Section 267 and Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code on waters under the jurisdiction of the department, or for trespass, when such offenses are committed within the state park system he may in his discretion forthwith release the arrested person from custody in the manner and under the conditions set forth in this section.

Unless an immediate appearance before a magistrate is demanded by such person, the arresting officer, upon production of satisfactory evidence of identity, may take the name and address of the person arrested and, if he believes such promise will be kept, may allow the person to sign a written promise to appear at a time and before a magistrate therein specified. The arresting officer shall deliver a copy of the promise to the person making it, and shall release him from custody. The magistrate specified in the promise shall be the magistrate of the court having jurisdiction of the particular offense for which the arrest was made. The time specified shall not be more than 30 days from and after the date of the arrest.

Any person who willfully violates his promise given in accordance with this section is guilty of a misdemeanor regardless of the disposition of the charge upon which he was orig-

inally arrested. A promise to appear may be complied with by an appearance by counsel.

SEC. 25. Chapter 1 (commencing with Section 8600) of Division 7 of said code is repealed.

SEC. 26. Chapter 2 (commencing with Section 8700) of Division 7 of said code is repealed.

SEC. 27. The State Park Commission and the Recreation Commission are hereby abolished. All public property, real or personal, of the State Park Commission or of the Recreation Commission is hereby transferred to the Department of Parks and Recreation on the effective date of this act.

SEC. 28. Section 4 5 of this act shall become operative only if Assembly Bill No. 1640 is enacted by the Legislature at its 1967 Regular Session and amends Section 512 of the Public Resources Code, and in such case at the same time as Assembly Bill No. 1640 takes effect; at which time Section 512 of the Public Resources Code as amended by Section 4 of this act is repealed.

CHAPTER 1180

An act to amend Sections 74342, 74343, 74343.1, 74343.2, and 74344 of, and to add Section 74357 to, and to repeal Section 74343.4 of, the Government Code, relating to municipal courts.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 74342 of the Government Code is amended to read:

74342. There shall be one clerk who shall be appointed by a majority of the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 48 of the salary schedule provided in Section 74343.1. In no event shall the compensation of the clerk be less than twenty (20) schedule ranges higher than that specified for the position of chief clerk.

SEC. 2. Section 74343 of the Government Code is amended to read:

74343. The clerk may appoint:

(a) One assistant clerk, with the consent of a majority of the judges of the court, who shall be empowered to act in the place and stead of the clerk in the event that the clerk is absent or unavailable for any reason and who shall receive a monthly salary at a rate specified in Schedule 40. In no event shall the compensation of the assistant clerk be less than four schedule ranges higher than that specified for the position of chief clerk.

(b) One supervising deputy clerk who shall receive a monthly salary at a rate specified in Schedule 39.5. The posi-

tion of supervising deputy clerk shall terminate on the retirement of the deputy presently holding that position.

(c) Five deputy clerks who shall be chief clerks in the administrative, civil, criminal, traffic, and accounting divisions of the court, and who shall receive a monthly salary at the rate specified in Schedule 38.

(d) Five deputy clerks who shall be assistant chief clerks of division and who shall receive a monthly salary at a rate specified in Schedule 35.

(e) Thirty-five deputy clerks IV, each of whom shall receive a monthly salary at a rate specified in Schedule 32.

(f) Thirty deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule 27.

(g) Twenty-eight deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule 24.

(h) Forty-five deputy clerks I, each of whom shall receive a monthly salary at a rate specified in Schedule 20.

Appointments to such positions shall be at step B of the schedule. In no event shall the monthly salary of deputy clerks I holding positions on the effective date of the 1967 amendment be less than step B of the salary schedule.

(i) One deputy clerk who shall be tab supervisor and who shall receive a monthly salary at a rate specified in Schedule 32.5.

(j) Twelve deputy clerks who shall be key punch operators and who shall receive a monthly salary at a rate specified in Schedule 22.5.

(k) Five deputy clerks who shall be stenographers and who shall receive a monthly salary at a rate specified in Schedule 26.5.

(*l*) The eight deputy clerks assigned by the clerk of the court as clerks in the presiding department, calendar department, criminal arraignment, traffic arraignment departments (two deputies), special sessions department, and South Bay Department, while serving in those capacities, shall receive a monthly salary at a rate two schedules higher than that which such deputy clerks were receiving prior to such assignment. The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1.

(m) For each position of judicial secretary to which an appointment is made pursuant to Section 74357, the number of positions of deputy clerk (stenographers) to which an appointment may be made pursuant to subdivision (k) of this section shall be reduced by one.

(n) Each time a person holding a position of deputy clerk (stenographer) pursuant to subdivision (k) of this section is appointed to a position of deputy clerk III pursuant to subdivision (f) of this section, the number of positions of deputy clerk (stenographer) referred to in said subdivision (k) shall be reduced by one.

SEC. 3. Section 74343.1 of the Government Code is amended to read:

74343.1. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply:

Range and schedule number	A	B	C	D	E
15	$269	$282	$296	$311	$327
15.5	275	289	303	319	335
16	282	296	311	327	343
16.5	289	303	319	335	351
17	296	311	327	343	360
17.5	303	319	335	351	369
18	311	327	343	360	378
18.5	319	335	351	369	387
19	327	343	360	378	397
19.5	335	351	369	387	407
20	343	360	378	397	417
20.5	351	369	387	407	427
21	360	378	397	417	438
21.5	369	387	407	427	449
22	378	397	417	438	460
22.5	387	407	427	449	471
23	397	417	438	460	483
23.5	407	427	449	471	495
24	417	438	460	483	507
24.5	427	449	471	495	519
25	438	460	483	507	532
25.5	449	471	495	519	545
26	460	483	507	532	559
26.5	471	495	519	545	573
27	483	507	532	559	587
27.5	495	519	545	573	601
28	507	532	559	587	616
28.5	519	545	573	601	631
29	532	559	587	616	647
29.5	545	573	601	631	663
30	559	587	616	647	679
30.5	573	601	631	663	696
31	587	616	647	679	713
31.5	601	631	663	696	731
32	616	647	679	713	749
32.5	631	663	696	731	767
33	647	679	713	749	786
33.5	663	696	731	767	805
34	679	713	749	786	825
34.5	696	731	767	805	845
35	713	749	786	825	866
35.5	731	767	805	845	887
36	749	786	825	866	909
36.5	767	805	845	887	931
37	786	825	866	909	954
37.5	805	845	887	931	978

Range and schedule number	A	B	C	D	E
38	825	866	909	954	1,002
38.5	845	887	931	978	1,027
39	866	909	954	1,002	1,052
39.5	887	931	978	1,027	1,078
40	909	954	1,002	1,052	1,105
40.5	931	978	1,027	1,078	1,132
41	954	1,002	1,052	1,105	1,160
41.5	978	1,027	1,078	1,132	1,189
42	1,002	1,052	1,105	1,160	1,218
42.5	1,027	1,078	1,132	1,189	1,248
43	1,052	1,105	1,160	1,218	1,279
43.5	1,078	1,132	1,189	1,248	1,311
44	1,105	1,160	1,218	1,279	1,343
44.5	1,132	1,189	1,248	1,311	1,376
45	1,160	1,218	1,279	1,343	1,410
45.5	1,189	1,248	1,311	1,376	1,445
46	1,218	1,279	1,343	1,410	1,481
46.5	1,248	1,311	1,376	1,445	1,518
47	1,279	1,343	1,410	1,481	1,555
47.5	1,311	1,376	1,445	1,518	1,594
48	1,343	1,410	1,481	1,555	1,633
48.5	1,376	1,445	1,518	1,594	1,674
49	1,410	1,481	1,555	1,633	1,715
49.5	1,445	1,518	1,594	1,674	1,758
50	1,481	1,555	1,633	1,715	1,846

(a) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first six months of service, receive monthly the rate of compensation specified in step A of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months continuous service in step A, the initial rate of compensation of such person shall be increased to step B of the salary schedule for the position occupied. Upon the first day of the month following six months continuous service in step B, the initial rate of compensation of such person shall be increased to step C of the salary schedule for the position occupied. On and after the first day of the month following six months of continuous service at step C, such compensation shall be increased to step D of the salary schedule. On and after the first day of the month following 12 months of continuous service at step D, such compensation shall be increased to step E of the salary schedule.

(b) When any person in the service of the court is appointed or promoted to another position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the position relinquished; but if not, he shall re-

ceive initially that step schedule pertaining to such position which will provide a one step increase in his compensation.

(c) When any person in the service of the court is demoted to another position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

(d) The hereinafter enumerated classes of positions in the court are deemed to be comparable in job level to certain classifications in the classified civil service of San Diego County and whenever the salaries of such classifications in the service of San Diego County are adjusted by the board of supervisors, the salaries of the comparable classifications in the clerk's office shall be adjusted a commensurate percentage in the salary schedule. Such adjustment shall not be more than 20 percent higher or 20 percent lower than the ranges specified in this article. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications. In the event that the salary of any of the San Diego County classifications listed in this section are adjusted by the board of supervisors on any date in 1967 prior to the effective date of any amendments to this article enacted by the Legislature at the 1967 Regular Session of the Legislature, commensurate adjustments shall be applied to the salaries of the comparable classifications in the clerk's office, such adjustments to take effect on the effective date of any amendments of this article enacted at the 1967 Regular Session of the Legislature. Any salary adjustments made as a result of this section shall be effective only until 60 days after the adjournment of the Legislature at its the 1969 Regular Session.

The comparable classifications are as follows:

Municipal court classification	County classification
Chief Deputy	Superior court clerk
Deputy clerk, chief clerk	Superior court clerk
Deputy clerk, assistant chief clerk	Superior court clerk
Deputy clerk I	Junior clerk
Deputy clerk II	Intermediate clerk
Deputy clerk III	Senior clerk
Deputy clerk IV	Superior court clerk
Tabulating supervisor	Tabulating supervisor
Key punch operator	Key punch operator
Deputy clerk stenographer	Senior stenographer
Court interpreter	Senior clerk

The deputy clerk holding the position of deputy clerk senior tabulating operator on the day prior to the effective date of the

amendments to this section enacted at the 1967 Regular Session of the Legislature shall succeed to the position of deputy clerk IV and shall receive a monthly salary at step B of the schedule specified for such position.

The deputy clerk holding the position of deputy clerk tabulating operator on the day prior to the effective date of the amendments to this section enacted at the 1967 Regular Session of the Legislature shall succeed to the position of deputy clerk III and shall receive a monthly salary at step E of the schedule specified for such position.

SEC. 4. Section 74343.2 of the Government Code is amended to read:

74343.2. There shall be three court interpreters who shall be deputy clerks to be appointed by a majority of the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 26 of the salary schedule provided in Section 74343.1.

SEC. 5. Section 74343.4 of the Government Code is repealed.

SEC. 6. Section 74344 of the Government Code is amended to read:

74344. In no event shall the salary of the clerk or any deputy clerk who occupied his position on the day prior to the effective date of the amendments to this article enacted at the 1967 Regular Session of the Legislature be less than his salary on such day.

SEC. 7. Section 74357 is added to the Government Code, to read:

74357. By order entered upon the minutes of the court, a majority of the judges of the Municipal Court of the San Diego Judicial District may appoint as many competent judicial secretaries as the business of the court requires, not to exceed five, to be known as judicial secretaries of such court. The judicial secretaries shall hold office during the pleasure of the judges of such court.

Each judicial secretary shall receive a monthly salary at the rate specified in Schedule 29.5, commencing at step D at initial employment and advancing to step E at the end of one year of continuous service. The position of judicial secretary shall be deemed to be comparable in job level to the position of assistant secretary authorized by Section 69892. Whenever the salary of such assistant secretaries are adjusted by the Board of Supervisors of San Diego County, the salary of judicial secretary shall be adjusted a commensurate percentage in the salary schedule. Such adjustment shall not be more than 20 percent higher or 20 percent lower than the range specified in this section and shall be effective on the same date as the effective date of the action by the board of supervisors on the position of assistant secretary Any salary adjustment made as a result of this section shall be effective only until 60 days after the final adjournment of the 1969 Regular Session of the Legislature.

CHAPTER 1181

An act to amend Section 5 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057 of the Statutes of 1955) and to amend Section 3.4 of the Santa Barbara County Water Agency Act (Chapter 1501 of the Statutes of 1945), relating to districts.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 5 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057, Statutes of 1955) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district.
3. To adopt a seal.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district; provided, that nothing in this act contained shall authorize the carrying out of any plan of improvement, the purpose of which is, or the effect of which will be, to take water which flows in any watershed in said district and transport or sell same for use any-

where outside of the district when the water level of any gravel beds within the district is below the normal level and such water could reasonably be used to replenish the water level of said gravel beds; provided further, that none of the provisions of this act shall preclude the exercise by any other political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising its powers, although such powers may be of the same nature as the powers of said district. Any such other political subdivision may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other political subdivision has an interest, or for the use, or joint use, of property or facilities in which said district has an interest.

6. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Santa Barbara, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

7. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water supply, water rights, control of storm waters and floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district. The district, through its authorized representatives, may enter upon such lands and make examinations, surveys, and maps thereof.

8. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances; to enter into contracts and agreements with, and do any acts necessary or proper for the performance of any such contracts and agreements with the United States, or any state, county, district of any kind, public or private or municipal corporation, associa-

tion, firm, or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the district or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water or water supply to be delivered to said district by the other party to said agreement.

9. To incur indebtedness and to issue bonds in the manner herein provided.

10. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

12 To exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or other public corporation, or agency, or otherwise; provided, however, that the district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location; and provided further, that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated; and provided further, that no right shall exist in said district to take by proceedings in eminent domain any property, including water rights, appropriated to public use by any existing city and county or municipal utility district. The district shall

also have and may exercise the right to condemn any existing works or improvements in said district or along streams flowing into said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district or along streams flowing into said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provisions of this act is a public use subject to the regulation and control of the state in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement, or interest in any real property which the board of directors of the district by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution, adopted by a two-thirds vote of all its members, shall be conclusive evidence of all of the following:

(a) The public necessity for the proposed public improvement.

(b) The property or property interest being acquired is necessary for the proposed public use.

(c) Such proposed public improvement is planned or located in the manner which will be compatible with the greatest public good and the least private injury.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing city and county or municipal utility district or other district or public agency to provide for a water supply for such city and county or municipal utility district, or as affecting the absolute control of any properties of such city and county or municipal utility district necessary for such water supply and nothing herein contained shall be construed as vesting any power of control over such properties in such Santa Barbara County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

12.1 Whenever a part only of a parcel is required by the district for any purpose authorized by this act, and the taking thereof, and the construction of the proposed public improve-

ment thereon, will interfere with reasonable access to the remainder, or will otherwise cause substantial damage to the remainder, the district may condemn, purchase, or otherwise acquire the whole parcel of land and may sell the remainder or exchange the same for other property required for district purposes. Or, in lieu of such acquisition of the remainder, the district may condemn, purchase, or otherwise acquire an easement for ingress to and egress from the remainder for use by the public, including the owner of the land.

13. To make contracts with the County of Santa Barbara and with municipalities and public agencies, and to employ labor for the purpose of doing flood control work and for inspecting and passing upon the adequacy of drainage plans provided for each proposed new subdivision in the County of Santa Barbara.

SEC. 2. Section 3.4 of the Santa Barbara County Water Agency Act (Ch. 1501, Stats. 1945) is amended to read:

Sec. 3.4. The agency shall have the power of eminent domain to acquire within or outside the agency by condemnation in the manner and to the extent prescribed in Article 1, Section 14 of the Constitution and Title 7, Part 3 of the Code of Civil Procedure, as now existing or hereafter amended, all property or interests therein necessary or convenient for carrying out the powers and purposes of the agency except that the agency shall not have power to acquire by condemnation publicly owned property held or used for the development, storage or distribution of water for public use; and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the state in the manner prescribed by law. The district in exercising such power shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal or relocation of any structure, railways, mains, pipes, conduits, wires, cable, poles, of any public utility which is required to be moved to a new location, and provided further that notwithstanding any other provision of this act or any other law, no property shall be taken unless it is taken upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the agency for any purpose authorized by this act, the agency may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the agency.

The power of eminent domain vested in the agency shall include the power to condemn in the name of the agency either the fee simple or any lesser estate or interest in any property which the board of directors by resolution shall determine is

necessary for carrying out the purposes of the agency. Such resolution, adopted by a two-thirds vote of all its members, shall be conclusive evidence of all of the following:

(a) The public necessity for the proposed public improvement.

(b) The property or property interest being acquired is necessary for the proposed public use.

(c) Such proposed public improvement is planned or located in the manner which will be compatible with the greatest public good and the least private injury.

Whenever a part only of a parcel is required by the agency for any purpose authorized by this act, and the taking thereof, and the construction of the proposed public improvement thereon, will interfere with reasonable access to the remainder, or will otherwise cause substantial damage to the remainder, the agency may condemn, purchase, or otherwise acquire the whole parcel of land and may sell the remainder or exchange the same for other property required for agency purposes. Or, in lieu of such acquisition of the remainder, the agency may condemn, purchase, or otherwise acquire an easement for ingress to and egress from the remainder for use by the public, including the owner of the land.

CHAPTER 1182

An act to add Section 4767 to the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 4767 is added to the Health and Safety Code, to read:

4767. Any county sanitation district may, in addition to its other powers, operate, and maintain waterworks, conduits, reservoirs, storage sites, and other works and facilities for the production, treatment, storage and distribution of a water supply for domestic and other uses.

The district may only distribute and sell to retail customers domestic water supplies outside the district by means of facilities designed primarily to serve inside the district. Before a district may so distribute and sell to retail customers domestic water supplies within the boundaries of another district or municipality which has the same or similar powers with respect to domestic water supplies, it shall secure the consent of the governing body of such other district or municipality to do so.

CHAPTER 1183

An act to add Section 14683 to the Government Code, relating to public lands.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 14683 is added to the Government Code, to read:

14683. Commencing with the 1968–69 fiscal year, the Department of Finance, Division of State Lands, shall maintain a record and biennially prepare a summary report on the ownership of public land in this state by the United States, the state, counties, cities and districts and any other public agency or body within the state.

The Division of State Lands may sell copies of the report required by this section at a reasonable charge that will provide the cost of reproducing such report.

The division shall request, and if possible obtain, such information from the United States as may be necessary to prepare its report.

Each county, city, district and other public agency or body of this state shall submit to the division such information as the division deems necessary to prepare such report, including an inventory and report of land ownership, and an inventory and report of all surplus land ownership.

CHAPTER 1184

An act to amend Sections 53093 and 65020.2 of the Government Code, relating to local agencies.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 53093 of the Government Code is amended to read:

53093. Any local agency aggrieved by the application of any zoning ordinance of a county or city pursuant to Section 53091 or by decision of an officer, department, board or bureau of the county or city made in connection with such ordinance may appeal to the Planning Advisory Committee, provided for in Section 65020.1.

Notwithstanding the provisions of Section 65020.5, the Planning Advisory Committee shall adopt rules providing for such appeals subject to the provisions of this article. Such appeal shall be taken within a reasonable time, as provided in the rules

of the committee. The local agency aggrieved shall commence the appeal by filing with the committee and with the city clerk or county clerk of the county or city, as the case may be, a notice of appeal specifying the grounds. Arbitrariness, capriciousness, error, or illegality in any decision, order, requirement, permit, or in a determination of an officer, department, board, or bureau of the county or city, constitutes grounds for appeal.

At the request of the Planning Advisory Committee the county or city shall forthwith transmit to the committee all papers constituting the record upon which the action appealed from was taken.

The Planning Advisory Committee shall hear and decide all such appeals and shall, by its decision, affirm, suspend, modify, or reverse the act or determination of the county or city.

An appeal shall not be filed with the Planning Advisory Committee unless the local agency filing the appeal has exhausted the administrative remedies provided by county or city ordinance.

The decision by the Planning Advisory Committee may be reviewed by a court of competent jurisdiction.

In lieu of an appeal to the Planning Advisory Committee, the aggrieved local agency may commence an action in the superior court of the county whose zoning ordinance is involved or of the county in which is situated the city whose zoning ordinance is involved seeking a review of the act or determination of the county or city.

SEC. 2. Section 65020.2 of the Government Code is amended to read:

65020.2. The committee shall consist of 11 members appointed by the Governor with the advice and consent of the Senate, and shall serve at the pleasure of the Governor. The committee shall be selected as follows:

(a) Five representing the counties, two of whom shall be county supervisors, two members of county planning commissions and one a county planning director.

(b) Five representing the cities, two of whom shall be city councilmen, two city planning commission members, and one a city planning director.

(c) A member representing the schools who shall be a county superintendent of schools.

Whenever a member ceases to hold the official position which qualifies him for membership on the Planning Advisory Committee, he shall automatically cease to be a member of the committee.

CHAPTER 1185

An act to add Section 23130 to the Vehicle Code, relating to motor vehicles.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 23130 is added to the Vehicle Code, to read:

23130. (a) No person shall operate either a motor vehicle or combination of vehicles of a type subject to registration at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limit for the category of motor vehicle based on a distance of 50 feet from the center of the lane of travel within the speed limits specified in this section:

	Speed limit of 35 mph or less	Speed limit of more than 35 mph
(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more, any combination of vehicles towed by such motor vehicle, and any motorcycle other than a motor-driven cycle	88 dbA	92 dbA
(2) Any other motor vehicle and any combination of vehicles towed by such motor vehicle	82 dbA	86 dbA

(b) The department shall adopt regulations establishing the test procedures and instrumentation to be utilized.

(c) This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle exhaust noise.

(d) For the purpose of this section, a motor truck, truck tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross vehicle weight rating of 6,000 pounds or more if the unladen weight is more than 5,000 pounds.

(e) No person shall have a cause of action relating to the provisions of this section against a manufacturer of a vehicle or a component part thereof on a theory based upon breach of express or implied warranty unless it is alleged and proved that such manufacturer did not comply with noise limit standards of the Vehicle Code applicable to manufacturers and in effect at the time such vehicle or component part was first sold for purposes other than resale.

CHAPTER 1186

An act to amend Sections 59545, 59611, 59641, 59643, 59653, 59654, 59692, 59694, 59722, 59723, 59727, 59732, 59735, 59736, 59814, 59924, 59941, 59944, 59945, 59947, 59948, 59952, 59982, 59983, 59986, and 59988 of, to amend and renumber Section 59610 of, and to repeal Sections 59503, 59601, 59602, 59603, 59604, 59605, 59606, 59608, 59609, 59613, 59644 and 59661 of, the Agricultural Code as proposed by Senate Bill No. 1, relating to the marketing of agricultural products.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 59503 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 2. Section 59545 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59545. Any order of the director which makes effective a marketing program, and any other order of the director which substantially affects the rights of any interested party, may be reviewed by any court of competent jurisdiction. Any such action shall be commenced within 30 days after the effective date of the order which is complained of.

SEC. 3. Section 59601 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 4. Section 59602 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 5. Section 59603 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 6. Section 59604 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 7. Section 59605 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 8. Section 59606 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 9. Section 59608 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 10. Section 59609 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 11. Section 59610 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended and renumbered to read:

59857. A member of the marketing program committee, or the proration zone agent, shall not unduly influence producers in their choice either for or against the institution of a marketing program, or for or against the termination of such a marketing program.

SEC. 12. Section 59611 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59611. The director may conduct hearings and investigations to carry out the intent and purposes of this chapter.

SEC. 13. Section 59613 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 13.5. Section 59641 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59641. Ten or more producers of the variety or kind of commodity which is to be affected may file with the director a petition for the establishment of a proration zone and the institution of a marketing program.

SEC. 14. Section 59643 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59643. Except as otherwise provided in Section 59654, if, after receiving a petition for the establishment of a proration zone and a proposed marketing program for it, the director determines that such proposed proration zone and proposed marketing program are consistent with the provisions of this chapter, the director shall hold a public hearing at some central point which is located within the area described in the petition and proposed to be established as a proration zone.

If the director determines that the proposed proration zone or proposed marketing program is not consistent with the provisions of this chapter, no hearing need be held.

SEC. 15. Section 59644 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 16. Section 59653 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59653. All evidence and exhibits and all facts and data which are used directly or indirectly by the director, or introduced at a hearing shall, within a reasonable time after being used or introduced, be available at the office of the director to all interested parties.

SEC. 17. Section 59654 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59654. The director may decline to hold a public hearing upon a proposed proration zone and a proposed marketing program if he determines and is satisfied that a public hearing cannot be held within a reasonable time in advance of the harvesting of, or the beginning of the marketing season for, the commodity, so as to permit the formulation and establishment of an equitable and effective marketing program for the marketing season.

SEC. 18. Section 59661 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 19. Section 59692 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59692. A petition to change the boundaries of any proration zone may be filed with the director by producers that produce not less than 10 percent of the production of the commodity which is affected that is produced within the boundaries of the proration zone which is established, or within the

boundaries of the area which is proposed to be added. The petition may request that the existing marketing program or a proposed marketing program, as amended, be made applicable to the entire area which is included within the proposed changed boundaries of the proration zone. Upon the receipt of such a petition, the director shall hold a public hearing, as provided in Article 5 (commencing with Section 59641) of this chapter, and receive evidence as to whether or not the boundaries of the proration zone as established shall be changed as recommended.

The director shall also, at the hearing, receive evidence with respect to the marketing program which is to be applicable to all of the area within the proposed changed boundaries of the proration zone.

SEC. 20. Section 59694 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59694. If the marketing program which is submitted is not assented to by producers in sufficient number and by sufficient volume to meet the requirements of Article 9 (commencing with Section 59851) of this chapter, the director shall dismiss the proceedings which were instituted to change or annex the boundaries of the proration zone, and the marketing program in operation at the time the proceedings were instituted shall continue to be effective within the boundaries of the proration zone as constituted prior to the proceedings. The marketing program has the same force and effect as though no proceedings had been instituted pursuant to this article.

SEC. 21. Section 59722 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59722. For terms subsequent to the term of the initial committee, members and their respective alternates shall be selected and appointed in accordance with the following procedure: The director shall divide the proration zone into as many districts as may be necessary for the proper administration of the program, and allot to each district the proper number of producers to be appointed to serve as members and alternate members upon a marketing program committee so as to give as nearly as possible adequate representation to all producers in all such districts. Members and their respective alternate members shall be appointed by the director from lists of producers that are eligible to serve on the marketing program committee.

SEC. 22. Section 59723 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59723. Eligible lists shall be established by the director either by means of a meeting of producers in each district, or by means of mail ballot, or by a combination of meetings and mail ballot. The method to be used shall be determined by the director, except that a mail ballot shall be granted upon a written request of 10 percent of the producers. Each producer is entitled to one vote and voting by proxy is not permitted. From nominations which are made, not less than three

eligible persons shall be selected for each member of the committee. Any person that is nominated shall be a producer with producing property which is located within the district for which he is nominated.

SEC. 23. Section 59727 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59727. The director may, if requested by the producer members of the marketing program committee, appoint on the committee, in addition to the producer members, not more than three handler members and their respective alternates who are handlers of the commodity which is affected by the marketing program of the proration zone.

SEC. 24. Section 59732 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59732. Any vacancy on the marketing program committee which is occasioned by the expiration of term of office shall be filled from eligible lists of producers selected in each district obtained as provided in Sections 59721 to 59729, inclusive. Any vacancy which is occasioned by the death or resignation of any member, or by removal for incompetence, inattention, or neglect of duties as a member of the marketing program committee, by the director, or by a member who ceases to qualify as a producer or handler of the commodity which is concerned, shall be filled from persons who remain on the eligible lists of producers from which the appointments for the current term were made, or from new lists which are obtained as provided in Sections 59721 to 59729, inclusive.

SEC. 25. Section 59735 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59735. The marketing program committee, with the approval of the director, may do all of the following:

(a) Appoint subcommittees in any producing areas within the proration zone to facilitate the carrying out of the purposes of this chapter.

(b) Collaborate and cooperate with any agency or organization with similar purposes, whether of this state, any other state, or of the United States, in the formulation and execution of any marketing program or marketing order which has common objectives. In any proper case, the director may require such collaboration and cooperation.

(c) Cooperate with any duly constituted authority in the enforcement of other laws of this state, or of the United States, which are enacted to protect producers or the consuming public from fraud or deception.

(d) Make contracts and agreements in the furtherance of any of the powers of the marketing program committee.

SEC. 26. Section 59736 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59736. The exercise of the powers which are granted to a marketing program committee in its administration of a marketing program which is made effective pursuant to this chapter is subject to the approval of the director.

SEC. 27. Section 59814 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59814. No part of any funds which are raised for equalization fund purposes, as specified in Section 59813, shall be applied to the cost of maintenance of the department.

SEC. 28. Section 59924 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59924. If the director deems it advisable, he may hold a public hearing upon minor amendments prior to such approval. Any public hearing held for this purpose shall be held within the boundaries of the proration zone.

SEC. 29. Section 59941 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59941. The proration zone agent for each marketing program shall collect, either for each primary certificate or for each secondary certificate, or for both, a reasonable and proportional fee to be fixed by the program committee, subject to the approval of the director, so calculated as to provide an amount which is adequate to defray the necessary expenses of instituting and carrying out the marketing program and a proper proportion of the cost of the maintenance of the department in the performance of duties which are required by this chapter.

SEC. 30. Section 59944 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59944. The proportion of the fees which is payable to the department may vary upon a seasonal basis for each program according to the estimated expense to be incurred by the director in administering the marketing program. The amount so required shall not exceed 15 percent of the certificate fees which are collected by the proration zone agent specifically for administrative purposes and, in addition, such proportion of fees which are collected for any educational and trade stimulation marketing program as may be required by the director to administer the marketing program, which shall in no event exceed 5 percent of the fees which are collected for such purpose, unless the payment of a larger proportion of such funds is approved by the marketing program committee for the marketing program.

SEC. 31. Section 59945 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59945. Upon the request of any marketing program committee, the director shall confer with the committee or its representatives prior to fixing the amount or proportion of any fees of the marketing program which are payable to the department for maintenance of the department in the performance of the duties which are required by this chapter.

SEC. 32. Section 59947 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59947. The funds which are deposited pursuant to Section 59946 shall be disbursed by the director, pursuant to regula-

tions prescribed by him, only for the expenditures which are incurred by the marketing program committee in carrying out the specific purposes and provisions of the marketing program, including all necessary expenses which are incurred in the formulation, administration, and enforcement of the marketing program.

SEC. 33. Section 59948 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59948. The proportionate amount of fees which are payable to the department shall be withdrawn from the funds monthly by the director and paid into the Department of Agriculture Fund in the State Treasury. Such funds shall be used only for the support of the department in carrying out its duties as required by this chapter.

SEC. 34. Section 59952 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59952. If the unexpended balance is so small as to make impractical the computation and remitting of a pro rata refund, the director may authorize the transfer of the funds to the administrative account of the marketing program or to the Department of Agriculture Fund for the support of the department in carrying out its duties in the administration of this chapter.

SEC. 35. Section 59982 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59982. An expression by a majority of the producers that participate in the referendum shall govern the action of the director in declaring a program modified, continued, or suspended.

SEC. 36. Section 59983 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59983. In conducting the referendum, the director may require the majority expression to be that of producers in terms of volume of production in addition to numbers of producers voting.

SEC. 37. Section 59986 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59986. If from a check of the petition together with the facts and evidence which are adduced at the hearing, it is established that the petition to terminate is signed by the required 40 percent of the producers of the commodity in the zone that produced at least 40 percent of the proration commodity affected which was produced within the zone during the last preceding season, the director shall terminate the marketing program. Any marketing program on a seasonal commodity shall not, however, be terminated except at the end of its marketing season.

SEC. 38. Section 59988 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59988. The director may at any time initiate an investigation to determine whether or not the facts which are specified in Sections 59655 to 59662, inclusive, continue to exist. Upon

a finding that any one or more of the prerequisite facts no longer exist, the director shall terminate or suspend the marketing program and may dissolve the proration zone. A program on a seasonal commodity shall not, however, be terminated or suspended except at the end of its marketing season.

CHAPTER 1187

An act to add Sections 2016, 2017, and 2018 to the Fish and Game Code, and to amend Section 602 of, and to repeal Chapter 1 (commencing with Section 627) of Title 15 of Part 1 of, the Penal Code, relating to hunting trespass.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 2016 is added to the Fish and Game Code, to read:

2016. It is unlawful to enter any lands under cultivation or enclosed by a fence, belonging to, or occupied by, another, or to enter any uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering such lands, for the purpose of discharging any firearm or taking or destroying any mammal or bird on such lands without having first obtained written permission from the owner of such lands, or his agent, or the person in lawful possession thereof. Such signs may be of any size and wording, other than the wording required for signs under Section 2017, which will fairly advise persons about to enter the land that the use of such land is so restricted.

SEC. 2. Section 2017 is added to the Fish and Game Code, to read:

2017. It is unlawful to take any mammal or bird or to discharge any firearm upon any lands (whether fenced, cultivated, or not) where signs, at least 10 inches by 12 inches in size and reading: "PRIVATE REFUGE NO HUNTING" are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering such lands. This section applies to all persons, including the owner or person in lawful possession of such lands, and any person obtaining permission, written or oral, from the owner or person in lawful possession of such lands, so long as such signs remain posted on the land. Nothing in this section shall prohibit the owner or his agent from taking nonprotected mammals or birds on such land.

SEC. 3. Section 2018 is added to the Fish and Game Code, to read:

2018. It is unlawful to post any sign indicating an area is a state or federal refuge unless it is established by state or

federal law, or to post any sign prohibiting trespass or hunting on any land unless authorized by the owner or the person in lawful possession of such lands.

It is unlawful for any person to maliciously tear down, mutilate, or destroy any sign, signboard or other notice forbidding hunting or trespass on land.

SEC. 4. Section 602 of the Penal Code is amended to read:

602. Every person who willfully commits any trespass by either:

(a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another;

(b) Carrying away any kind of wood or timber lying on such lands;

(c) Maliciously injuring or severing from the freehold of another anything attached thereto, or the produce thereof;

(d) Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, or stone;

(e) Digging, taking, or carrying away from land in any city or town laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil or stone;

(f) Maliciously tearing down, damaging, mutilating, or destroying any sign, signboard or notice placed upon, or affixed to, any property belonging to the state, or to any city, county, city and county, town or village, or upon any property of any person, by the state or by an automobile association, which sign, signboard or notice is intended to indicate or designate a road or roads, or a highway or highways, or is intended to direct travelers from one point to another, or relates to fires, fire control, or any other matter involving the protection of the property, or putting up, affixing, fastening, printing, or painting upon any property belonging to the state, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto;

(g) Entering upon any lands owned by any other person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away any oysters or other shellfish planted, growing, or being on any such lands, whether covered by water or not, without the license of the owner or legal occupant thereof; or destroying or removing, or causing to be removed or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of any such lands;

(h) Willfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and willfully leaving it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property; or

(i) Building fires upon any lands owned by another where signs forbidding trespass are displayed at intervals not greater than one mile along the exterior boundaries and at all roads and trails entering such lands, without first having obtained written permission from the owner of such lands or his agent, or the person in lawful possession thereof; or

(j) Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of such land, his agent or by the person in lawful possession; or

(k) Entering any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or entering upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering such lands without the written permission of the owner of such land, his agent or of the person in lawful possession, and

(1) Refusing or failing to leave such lands immediately upon being requested by the owner of such land, his agent or by the person in lawful possession to leave such lands, or

(2) Tearing down, mutilating or destroying any sign, signboard, or notice forbidding trespass or hunting on such lands, or

(3) Removing, injuring, unlocking, or tampering with any lock on any gate on or leading into such lands;

(4) Discharging any firearm;

(*l*) Entering and occupying real property or structures of any kind without the consent of the owner, his agent, or the person in lawful possession thereof;

(m) Entering upon any lands declared closed to entry as provided in Section 4126 5 of the Public Resources Code; provided, such closed areas shall have been posted with notices declaring such closure, at intervals not greater than one mile along the exterior boundaries or along roads and trails passing through such lands;

(n) Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watchman, or custodian of the public agency owning or maintaining the building or property, if the surrounding circum-

stances are such as to indicate to a reasonable man that such person has no apparent lawful business to pursue;

is guilty of a misdemeanor.

SEC. 4.5. Section 602 of the Penal Code is amended to read:

602. Every person who willfully commits any trespass by either:

(a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another;

(b) Carrying away any kind of wood or timber lying on such lands;

(c) Maliciously injuring or severing from the freehold of another anything attached thereto, or the produce thereof;

(d) Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, or stone;

(e) Digging, taking, or carrying away from land in any city or town laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil or stone;

(f) Maliciously tearing down, damaging, mutilating, or destroying any sign, signboard or notice placed upon, or affixed to, any property belonging to the state, or to any city, county, city and county, town or village, or upon any property of any person, by the state or by an automobile association, which sign, signboard or notice is intended to indicate or designate a road or roads, or a highway or highways, or is intended to direct travelers from one point to another, or relates to fires, fire control, or any other matter involving the protection of the property, or putting up, affixing, fastening, printing, or painting upon any property belonging to the state, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto;

(g) Entering upon any lands owned by any other person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away any oysters or other shellfish planted, growing, or being on any such lands, whether covered by water or not, without the license of the owner or legal occupant thereof; or destroying or removing, or causing to be removed or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of any such lands;

(h) Willfully opening, tearing down, or otherwise destroying any fence on the enclosed land of another, or opening any gate, bar, or fence of another and willfully leaving

it open without the written permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property; or

(i) Building fires upon any lands owned by another where signs forbidding trespass are displayed at intervals not greater than one mile along the exterior boundaries and at all roads and trails entering such lands, without first having obtained written permission from the owner of such lands or his agent, or the person in lawful possession thereof; or

(j) Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of such land, his agent or by the person in lawful possession; or

(k) Entering any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or entering upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering such lands without the written permission of the owner of such land, his agent or of the person in lawful possession, and

(1) Refusing or failing to leave such lands immediately upon being requested by the owner of such land, his agent or by the person in lawful possession to leave such lands, or

(2) Tearing down, mutilating or destroying any sign, signboard, or notice forbidding trespass or hunting on such lands, or

(3) Removing, injuring, unlocking, or tampering with any lock on any gate on or leading into such lands;

(4) Discharging any firearm;

(*l*) Entering and lingering, loitering or camping on and occupying real property or structures of any kind with knowledge of private ownership of such property or structures or in circumstances which would indicate to a reasonable man the private ownership of such property or structures, without the consent of the owner, his agent, or the person in lawful possession thereof;

(m) Entering upon any lands declared closed to entry as provided in Section 4126.5 of the Public Resources Code; provided, such closed areas shall have been posted with notices declaring such closure, at intervals not greater than one mile along the exterior boundaries or along roads and trails passing through such lands;

(n) Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watchman, or custodian of the public agency owning or maintaining the building or property, if the surrounding circum-

stances are such as to indicate to a reasonable man that such person has no apparent lawful business to pursue;

is guilty of a misdemeanor.

SEC. 5. Chapter 1 (commencing with Section 627) of Title 15 of Part 1 of the Penal Code is repealed.

SEC. 6. Section 4.5 of this act shall become operative only if Senate Bill No. 1073 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 1073 takes effect, at which time Section 4 of this act is repealed.

CHAPTER 1188

An act to amend Section 390 of, and to add Section 399 to the Military and Veterans Code, relating to military privileges.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 390 of the Military and Veterans Code is amended to read:

390. No person belonging to or on duty with the active militia of the state, or engaged in the performance of military duty on call of the Governor or in pursuance of an order of the President of the United States shall be arrested on any civil process while going to, remaining at, or returning from any place at which he may be required to attend for military duty.

SEC. 2. Section 399 is added to the Military and Veterans Code, to read:

399. Members of the California National Guard have the powers of peace officers when they are (1) called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146, (2) serving within the area wherein military assistance is required, and (3) directly assisting civil authorities in any of the situations specified in Section 143 or 146. The requirements of Section 1031 of the Government Code are not applicable under such circumstances.

CHAPTER 1189

An act to amend Section 23787 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 23787 of the Business and Professions Code is amended to read:

23787. The department shall, before issuing any on-sale license for the sale of alcoholic beverages, other than beers, to be consumed or otherwise disposed of in any bona fide public eating place, determine whether the public eating place is equipped and maintained in good faith for sales to and consumption by the public of meals upon the premises. A hotel or motel of 75 rooms or more or a bowling center of 32 lanes or more, which hotel, motel or bowling center is licensed and so equipped and maintained, may sublet the sale and service of the meals required by Section 23038. Provided, however, that the licensee shall be responsible for any violations of this division caused or permitted by the lessee on the licensed premises.

Nothing in this section shall preclude the renewal, transfer, or issuance of an on-sale general license to any premises equipped and maintained in good faith for sales to and consumption by members of the public of meals upon the premises even though the operation of such premises is limited solely to the service of meals and beverages at prearranged events of a social or business nature and where admission is by ticket only.

SEC. 2. Section 23787 of the Business and Professions Code is amended to read:

23787. The department shall, before issuing any on-sale license for the sale of alcoholic beverages to be consumed or otherwise disposed of in any bona fide public eating place, determine whether the public eating place is equipped and maintained in good faith for sales to and consumption by the public of meals upon the premises. A hotel or motel of 75 rooms or more or a bowling center of 32 lanes or more, which hotel, motel or bowling center is licensed and so equipped and maintained may sublet the sale and service of the meals required by Section 23038. Provided, however, that the licensee shall be responsible for any violations of this division caused or permitted by the lessee on the licensed premises.

Nothing in this section shall preclude the renewal, transfer, or issuance of an on-sale general license to any premises equipped and maintained in good faith for sales to and consumption by members of the public of meals upon the premises even though the operation of such premises is limited solely to the service of meals and beverages at prearranged events of a social or business nature and where admission is by ticket only.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1745 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 1745 takes effect; at which time Section 23787 of the Business and Professions Code as amended by Section 1 of this act is repealed.

CHAPTER 1190

An act to add Section 210 to the Health and Safety Code, relating to drug use research.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 210 is added to the Health and Safety Code, to read:

210. The Regents of the University of California may collect, and act as an information exchange for, information on research and service projects completed or in progress relating to drug abuse and may provide, to any person, institution or public agency proposing any research or service project on such subject, information with respect to the areas in which research is needed. No state agency shall conduct any research or service project on drug abuse until it has provided the regents with a description of its proposed project.

The regents annually shall submit to the Governor and the Legislature, not later than the fifth legislative day of the regular session of the Legislature, a report of the activities it undertakes pursuant to this section.

CHAPTER 1191

An act to amend Section 834 of the Corporations Code, relating to security in derivative actions.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 834 of the Corporations Code is amended to read:

834. (a) No action may be instituted or maintained in right of any unincorporated association or of any domestic or foreign corporation by a member of such association or by the holder or holders of shares, or of voting trust certificates representing shares, of such corporation unless both of the following conditions exist:

(1) The plaintiff alleges in the complaint that he was a member, registered shareholder or the holder of voting trust certificates at the time of the transaction or any part thereof of which he complains or that his membership, shares or voting trust certificates thereafter devolved upon him by operation of law from a holder who was a holder at the time of the transaction or any part thereof complained of.

(2) The plaintiff alleges in the complaint with particularity his efforts to secure from the board of directors such action as

he desires and alleges further that he has either informed the corporation or such board of directors in writing of the ultimate facts of each cause of action against each defendant director or delivered to the corporation or such board of directors a true copy of the complaint which he proposes to file, and the reasons for his failure to obtain such action or the reasons for not making such effort.

(b) In any such action, at any time within 30 days after service of summons upon the corporation or any defendant who is an officer or director of the corporation, or held such office at the time of the acts complained of, the corporation or such defendant may move the court for an order, upon notice and hearing, requiring the plaintiff to furnish security as hereinafter provided. Such motion shall be based upon one or more of the following grounds:

(1) That there is no reasonable possibility that the prosecution of the cause of action alleged in the complaint against the moving party will benefit the corporation or its security holders;

(2) That the moving party, if other than the corporation, did not participate in the transaction complained of in any capacity.

The court on application of the corporation or any defendant may, for good cause shown, extend such 30-day period for an additional period or periods not exceeding 60 days.

At the hearing upon such motion, the court shall consider such evidence, written or oral, by witnesses or affidavit, as may be material: (a) to the ground or grounds upon which the motion is based, or (b) to a determination of the probable reasonable expenses, including attorney's fees, of the corporation and the moving party which will be incurred in the defense of the action. If the court determines, after hearing the evidence adduced by the parties at the hearing, that the moving party has established a probability in support of any of the grounds upon which the motion is based, the court shall fix the nature and amount of security, not to exceed twenty-five thousand dollars ($25,000), to be furnished by the plaintiff for reasonable expenses, including attorney's fees, which may be incurred by the moving party and the corporation in connection with such action, including expenses for which said corporation may become liable pursuant to Section 830. A determination by the court that security either shall or shall not be furnished or shall be furnished as to one or more defendants and not as to others, shall not be deemed a determination of any one or more issues in the action or of the merits thereof. The corporation and the moving party shall have recourse to such security in such amount as the court shall determine upon the termination of such action. The amount of such security may thereafter from time to time be increased or decreased in the discretion of the court upon showing that the security provided has or may become inadequate or is excessive, but such order shall not increase the total amount of such security

beyond twenty-five thousand dollars ($25,000). If the court, upon any such motion, makes a determination that security shall be furnished by the plaintiff as to any one or more defendants, the action shall be dismissed as to such defendant or defendants, unless the security required by the court shall have been furnished within such reasonable time as may be fixed by the court.

If the plaintiff in any such action shall, either before or after a motion is made pursuant to this subdivision, or any order or determination pursuant to such motion, post good and sufficient bond or bonds in the aggregate amount of twenty-five thousand dollars ($25,000) to secure the reasonable expenses of the parties entitled to make such motion, such plaintiff or plaintiffs shall be deemed to have fully complied with the requirements of this subdivision and with any order for security theretofore made pursuant hereto, any such motion then pending shall be deemed disposed of, and no further or additional bond or other security shall be required.

(c) If any such motion is filed, no pleadings need be filed by the corporation or any other defendant, and the prosecution of such action shall be stayed, until 10 days after such motion shall have been disposed of.

(d) The provisions of this section are applicable to all associations, both incorporated and unincorporated. As used in this section "corporation" includes an unincorporated association, and "board of directors" includes the managing body of an unincorporated association.

CHAPTER 1192

An act to amend Sections 24370.1 and 24370.2 of the Health and Safety Code, and to amend Section 2133 of, to repeal Section 2134 of, and to add Section 2134 to, the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 24370.1 of the Health and Safety Code is amended to read:

24370.1. Before the first day of September of each year the board shall estimate and determine the amount of money required by the district for purposes of the district during the ensuing fiscal year and shall apportion this amount to the counties included within the district, one-half according to the relative assessed value of property on the secured roll of each county within the district as determined by the board and one-half in the proportion that the population of each county bears

to the total population of the district. For the purposes of this section the board shall base its determination of the population of the several counties on the latest official information available to it. The total amount of money required by the district to be apportioned to the counties included within the district for district purposes during any one fiscal year shall not exceed one cent and three mills ($0.013) on each one hundred dollars ($100) of the assessed value of all the property included within the district.

SEC. 2. Section 24370.2 of the Health and Safety Code is amended to read:

24370.2. On or before the first day of September of each year, the board shall certify to the auditor of each county the total amount apportioned to the county. Each board of supervisors shall levy an ad valorem tax on the taxable property, but not including intangible personal property, within the county included within the district sufficient to secure the amount so apportioned to it and such taxes shall be levied and collected together with, and not separately from, the taxes for county purposes and paid to the treasurer of each of the counties to the credit of the district.

SEC. 3. Section 2133 of the Revenue and Taxation Code is amended to read:

2133. (a) If a district has been formed under an enabling act which does not provide that the board of directors shall fix district tax rates, any board of directors which has adopted a resolution pursuant to Section 2131 shall certify, on or before September 1st of each year, to the auditor of each county in which the district is located the total amount of revenue to be derived from an ad valorem tax or assessment on property within the district on the county's secured roll, as such total is determined pursuant to Section 2132.

(b) If a district has been formed under an enabling act which requires the board of directors to fix district tax rates, any board of directors which has adopted a resolution pursuant to Section 2131 shall fix the rate of district tax for each county in which the district is located at the rate which is necessary in order to raise the amount of revenue apportioned to each such county pursuant to Section 2132. Immediately after fixing such rates, the board of directors shall transmit to the auditor of each county in which the district is located a statement of the rate of district tax fixed by the board of directors for such county.

SEC. 4. Section 2134 of the Revenue and Taxation Code is repealed.

SEC. 5. Section 2134 is added to the Revenue and Taxation Code, to read:

2134. Any district levying or causing to be levied a tax in accordance with the provisions of this part may levy or cause to be levied a tax in one or more counties in excess of any maximum tax rate established by law or pursuant to law; provided that the total revenue to be received from the tax

levies in all counties does not exceed the total revenue which would have been received by the district by levying the tax at the maximum rate in all counties without complying with the provisions of this part.

SEC. 6. 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 such necessity are:

Numerous intercounty districts in California wish to take advantage of the more equitable method provided for by this act of establishing the value of property for tax purposes. In order to make it clear that this method applies to such districts which fix their own tax rates for the 1967–1968 fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 1193

An act to add Section 929.1 to the Penal Code, relating to grand juries.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 929.1 is added to the Penal Code, to read:

929.1. When making an examination of the books, records, accounts and documents maintained and processed by the county assessor, the grand jury, with the consent of the board of supervisors, may employ expert auditors or appraisers to assist in the examination. Auditors and appraisers, while performing pursuant to the directive of the grand jury, shall have access to all records and documents that may be inspected by the grand jury subject to the same limitations on public disclosure as apply to the grand jury.

CHAPTER 1194

An act to add Section 10200.2 to the Insurance Code, relating to insurance.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 10200.2 is added to the Insurance Code, to read:

10200.2. An insurer may, in the discretion of the contracting parties, enter into a contract with a group policyholder or

other contracting entity under any group, selected group, or franchise policy issued by the insurer to determine the amount the insurer may retain from premiums paid or to provide for the establishment of reserves or deposits to meet future contingencies of any nature under such insurance policy. Under this section, "contracting entity" means any of the following:

(a) The employer, association, trustee, union, or other entity to whom a group policy is issued.

(b) The organization to which an individual policyholder must belong or be associated with to be insured under a franchise or a selected group policy.

(c) Any entity formed and operating for purposes other than the procuring of insurance to which two or more contracting entities defined in subdivision (a) or (b) of this section belong.

CHAPTER 1195

An act to amend Section 10554 of the Welfare and Institutions Code, relating to administrative procedure.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 10554 of the Welfare and Institutions Code is amended to read:

10554. The director is the only person authorized to adopt regulations, orders, or standards of general application to implement, interpret, or make specific the law enforced by the department, and such regulations, orders, and standards shall be adopted, amended, or repealed by the director only in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, provided that such regulations need not be printed in the California Administrative Code or California Administrative Register if they are included in the publications of the department and are not promulgated pursuant to Section 16003, 16201, or 16309. If such regulations are promulgated pursuant to Section 16003, 16201 or 16309, they shall be printed in the California Administrative Code or California Administrative Register.

In adopting regulations the director shall strive for clarity of language which may be readily understood by those administering public social services or subject to such regulations.

The rules of the department need not specify or include the detail of forms, reports or records, but shall include the essential authority by which any person, agency, organization, association or institution subject to the supervision or investigation of the department is required to use, submit or maintain such forms, reports or records.

CHAPTER 1196

An act to add Section 14670.1 to the Government Code, relating to the letting of state property.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 14670.1 is added to the Government Code, to read:

14670.1. Notwithstanding Section 14670, the Director of General Services, with the consent of the Department of Mental Hygiene, may let to a nonprofit corporation, for the purpose of conducting an educational and work program for mentally retarded persons, and for a period not to exceed 20 years, real property not exceeding five acres located within the grounds of the Napa State Hospital.

CHAPTER 1197

An act to add Section 13143.6 to the Health and Safety Code, relating to fires.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 13143.6 is added to the Health and Safety Code, to read:

13143.6. The regulation by the State Fire Marshal of family care homes, licensed or certified to care for six or less, shall be done in a manner compatible with the maintenance of operating programs in this state. The State Fire Marshal shall secure the cooperation and advice of the appropriate state agencies in adopting such regulations.

CHAPTER 1198

An act to add Section 13677 to the Education Code, relating to tuition reimbursement for classified employees.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 13677 is added to the Education Code, to read:

13677. The governing board of any school district may grant reimbursement of the costs, including tuition fees, to any permanent classified employee who satisfactorily completes approved training to improve his job knowledge, ability, or skill. Programs eligible for such reimbursement shall include, but not be limited to, courses of study at approved academic institutions, seminars and training institutes conducted by recognized professional associations, and conferences, meetings and such other training programs as are designed to upgrade the classified service and to encourage retraining of employees who may otherwise be subject to layoff as the result of technological changes. Eligibility for reimbursement shall be in accordance with rules established by the personnel commission in those districts which have adopted a merit system. Provisions of this section shall not apply to any employee who is receiving training and is eligible for reimbursement by any other governmental agency, organization, or association.

CHAPTER 1199

An act to add Section 381 to the Penal Code, relating to poisons.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 381 is added to the Penal Code, to read:

381. Any person who willfully ingests, inhales, or breathes the fumes of any poison as defined in Schedule D of Section 4160 of the Business and Professions Code with intent to become intoxicated is guilty of a misdemeanor.

CHAPTER 1200

An act to amend Sections 10603 and 10607.5 of the Education Code, relating to suspension or expulsion of pupils in the public schools.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 10603 of the Education Code is amended to read:

10603. The governing board of any school district may suspend or expel, and the superintendent of any school district when previously authorized by the governing board may sus-

pend, a pupil whenever it is established to the satisfaction of the board or the superintendent, respectively, that the pupil has on school premises or elsewhere used, sold, or been in possession of narcotics or other hallucinogenic drugs or substances, or has inhaled or breathed the fumes of, or ingested, any poison classified as such by Schedule "D" in Section 4160 of the Business and Professions Code.

SEC. 2. Section 10607.5 of the Education Code is amended to read:

10607.5. Notwithstanding the provisions of Section 10607, no student shall be suspended from school for more than 20 days in a school year except he shall first have been transferred to and enrolled in either a parental school established and maintained pursuant to Article 1 (commencing with Section 6501) of Chapter 7 of Division 6, or a continuation education class established and maintained pursuant to Article 4 (commencing with Section 5951) of Chapter 6 of Division 6.

CHAPTER 1201

An act to add Section 11917 to the Health and Safety Code, relating to restricted dangerous drugs.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 11917 is added to the Health and Safety Code, to read:

11917. Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give any restricted dangerous drug to any person, or offers, arranges, or negotiates to have any restricted dangerous drug unlawfully sold, delivered, transported, furnished, administered, or given to any person and then sells, delivers, furnishes, transports, administers, or gives, or offers, or arranges, or negotiates to have sold, delivered, transported, furnished, administered, or given to any person any other liquid, substance, or material in lieu of any restricted dangerous drug shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for not more than five years.

CHAPTER 1202

An act to amend Sections 13725 and 13737 of, and to add Section 13723.1 to, the Education Code, relating to classified employees.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 13723.1 is added to the Education Code, to read:

13723.1. In a school district which has already adopted the provisions of the merit system article on the effective date of the amendment to Section 13723 enacted at the 1965 Regular Session of the Legislature, appointments shall be made from the first three applicants on the eligibility list who are ready and willing to accept a position, provided that: (a) one of the top two eligibles is a relative, within the first degree of consanguinity, of an employee already working at the location where a specific position vacancy exists, or (b) one is the parent or legal guardian of an enrollee in the same elementary or secondary school or children's center where a specific position vacancy exists.

SEC. 2. Section 13725 of the Education Code is amended to read:

13725. When all of the positions in a class are reclassified to a higher class, the incumbents of the positions who have been in the class for three or more years may be reclassified with their positions by the personnel commission. When a portion of the positions within a class are reclassified to a higher class an incumbent who has a continuous employment record of three or more years in one or more of the positions being reclassified may be reclassified with his position as provided by personnel commission rule.

The basis for reclassification of the position must be a gradual accretion of duties and not a sudden change occasioned by a reorganization or the assignment of completely new duties and responsibilities. Determinations as to gradual accretion will be on the basis of guidelines provided by personnel commission rules.

An employee who has been reclassified with his position shall be ineligible for subsequent reclassification with his position for a period of at least three years from the initial action.

SEC. 3. Section 13737 of the Education Code is amended to read:

13737. Persons laid off because of lack of work or lack of funds are eligible to reemployment for a period of 39 months and shall be reemployed in preference to new applicants.

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or to remain in their present positions rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months; provided, that the same tests of fitness under which they qualified for appointment to the class shall still apply. The personnel commission shall make the determination of the specific period of eligibility for reemployment on a class-by-class basis.

CHAPTER 1203

An act to add Sections 4012.5 and 9016 to the Welfare and Institutions Code, and to add Section 5616 to Part 2 of Division 5 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1221, relating to mental health.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 4012.5 is added to the Welfare and Institutions Code, to read:

4012.5. The Department of Mental Hygiene may obtain psychiatric, medical and other necessary aftercare services for patients on leave from state hospitals by contracting with any city, county, local health district, or other public officer or agency, or with any private person or agency to furnish such services to patients in or near the home community of the patient. Any city, county, local health district, or other public officer or agency authorized by law to provide mental health and aftercare services is authorized to enter such contracts.

SEC. 2. Section 9016 is added to the Welfare and Institutions Code, to read:

9016. A community mental health service may obtain services it requires, but cannot otherwise obtain, by contracting with the Department of Mental Hygiene to furnish such services.

The contract shall provide that the amount paid for such services by the community mental health service shall not exceed the cost thereof to the department. Funds received by the department under such contract constitute a reimbursement to the appropriation from which such cost is expendable and may be used for the purposes of the appropriation.

SEC. 3. Section 5616 is added to Part 2 of Division 5 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1221, to read:

5616. A community mental health service may obtain services it requires, but cannot otherwise obtain, by contract-

ing with the Department of Mental Hygiene to furnish such services.

The contract shall provide that the amount paid for such services by the community mental health service shall not exceed the cost thereof to the department. Funds received by the department under such contract constitute a reimbursement to the appropriation from which such cost is expendable and may be used for the purposes of the appropriation.

SEC. 4. Section 3 of this act shall become operative only if the Legislature enacts Assembly Bill No. 1221 at its 1967 Regular Session, and in such case shall become operative on July 1, 1968, at which time Section 9016 of the Welfare and Institutions Code as added by Section 2 of this act is repealed.

CHAPTER 1204

An act to add Section 113 to the Government Code, relating to acceptance of retrocession of jurisdiction from the United States.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 113 as added to the Government Code, to read:

113. The Legislature of California hereby consents to the retrocession of jurisdiction by the United States of land within this state upon and subject to each and all of the following express conditions:

(a) The United States must in writing have requested state acceptance of retrocession, and unless there is an officer of the United States empowered by a United States statute to cede jurisdiction, said request shall be by the act of Congress; such retrocession may return all jurisdiction to the state or may provide for concurrent jurisdiction.

(b) When the conditions of subsection (a) of this section have been found and declared to have occurred and to exist, by the State Lands Commission, the commission shall hold a hearing to determine whether acceptance of such retrocession is in the best interests of the state. Notice of such hearing shall be published pursuant to Section 6061 in each county in which the land or any part thereof is situated and a copy of such notice shall be personally served upon the clerk of the board of supervisors of each such county. The State Lands Commission shall make rules and regulations governing the conditions and procedure of such hearings.

(c) The determination of the State Lands Commission shall be final and jurisdiction accepted shall become effective when

certified copies of its orders or resolutions have been filed in the office of the Secretary of State and recorded in the office of the county recorder of each county in which any part of the land is situate.

CHAPTER 1205

An act to add Section 137.6 to the Civil Code, relating to domestic relations.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 137.6 is added to the Civil Code, to read:

137.6. In an action for annulment, divorce, or separate maintenance, upon a determination that payment of an obligation of a party would benefit either party or a minor child, the court may order one of the parties to pay the obligation, or any portion thereof, directly to the creditor. The order may be enforced as provided in Section 137.2. The creditor shall have no right to enforce the order nor shall his rights be affected by such determination.

CHAPTER 1206

An act to add Section 1689.5 to the Insurance Code, relating to insurance.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 1689.5 is added to the Insurance Code, to read:

1689.5. The commissioner may suspend for a period not exceeding one year the privilege of any insurer, agent or broker to become the appointor of any person for a certificate of convenience pending examination, pursuant to Section 1689 if, after hearing, he finds:

1. If an insurer, such insurer became the appointor of 25 or more such persons in the preceding calendar year, or

2. If an agent or broker, such agent or broker became the appointor of 10 or more such persons in the preceding calendar year, and

3. Less than one-third of the persons for whom the insurer, agent or broker was the appointor in such preceding calendar

year, having fulfilled all prerequisites therefor, became permanently licensed within one year following the date upon which the application for such certificate of convenience, pending examination, was filed with the commissioner.

To prevent evasion of the effect of the suspension, the commissioner may, in the same order, also suspend such privilege of appointment by any subsidiary or affiliate of such insurer, or such agent or broker if such subsidiary or affiliate has received appropriate notice of such hearing a reasonable time before its commencement. During any period of suspension of such privilege of an insurer, agent or broker or its affiliate, such persons are also prohibited from appointing any holder of a certificate of convenience to act as agent or solicitor.

It is the purpose of this section to minimize exposure of the public in this state to untrained insurance salesmen while permitting reasonable recruitment of such salesmen.

CHAPTER 1207

An act to add Section 7322 to the Labor Code, relating to elevators.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 7322 is added to the Labor Code, to read:

7322. At least one automatic elevator in each multistoried building, except a commercial office building existing on the date of the enactment of this section, that has a vertical travel above ground floor level of more than 100 feet shall be equipped to bypass all car and corridor calls and return to the main floor. The return to the main floor shall be initiated by the operation of a keyed switch. The key shall be kept on the premises by the person responsible for the maintenance and operation of the elevators in a location readily known and accessible to qualified emergency services personnel, but where it is not available to the general public. If an elevator must stop and reverse in order to return to the main floor, the doors at the reversal floor shall not open. Upon return to the main floor, the elevator car and doors shall remain under the individual operation and control of emergency services personnel until released for restoration to its normal operating functions.

CHAPTER 1208

An act to amend Section 7051 of the Public Resources Code, relating to oil, gas and mineral leases by public agencies.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 7051 of the Public Resources Code is amended to read:

7051. The board of supervisors, boards of trustees, directors or other governing body of any county or other public or quasi-public corporation, body or agency authorized to acquire and hold real property pursuant to the statutory authority under which such county, corporation, body or agency is created may, under such limitations and restrictions as are prescribed by law, lease for the production of oil, gas and other hydrocarbons or for the mining of any other minerals whatsoever, any land owned by the county or such other public or quasi-public corporation, body or agency, or include such land in a community lease embracing adjoining lands, or enter into compensatory royalty agreements in lieu of making such lease, whenever, in the judgment of the governing body, the public use of such property shall not be substantially interfered with thereby. No land used, owned, dedicated, or acquired by purchase, condemnation, gift, or otherwise, as a public park, highway, street, walk, or public playground shall be so leased unless the use of such property for park, highway, street, walk or public playground purposes shall not be substantially interfered with thereby; provided, however, that if in the judgment of the governing body of any such park, highway, street, walk or public playground, drilling for oil or gas would not substantially interfere with the use of such property for park, highway, street, walk or playground purposes, then any such lease on any such property shall provide that drilling for oil or gas beneath the surface of such property shall be done by means of slant drilling from surface locations, outside the outer boundaries of any such property, or from designated locations inside the outer boundaries of such property, which inside locations have been approved by the county parks commission and will not interfere substantially with the use of such property for such park, highway, street, walk or playground purposes. No land owned or under the jurisdiction of the county or such other public or quasi-public corporation, body or agency lying within 300 feet above the line of high tide, or at any point below the line of high tide, of the Pacific Ocean, or any arm, bay, or inlet of the Pacific Ocean shall be leased for the drilling for and production of petroleum products or other minerals, unless the use of such property for public purposes shall not be substantially interfered with thereby; provided,

however, that if in the judgment of the governing body of any such land, drilling for oil or gas would not substantially interfere with the use of such property for public purposes, then any such lease on any such property shall provide that drilling for oil or gas beneath the surface of such property shall be done by means of slant drilling from surface locations, outside the outer boundaries of any such property, or from designated locations inside the outer boundaries of such property, which inside locations have been approved by the governing body and will not interfere substantially with the use of such property for public purposes.

CHAPTER 1209

An act to add Sections 3100.6, 3296.5, 6455.1, 17603.5, Article 11 (commencing with Section 18101) of Chapter 3, Division 14, Sections 20751.1, 7807.1, 7808.1, Chapter 2.6 (commencing with Section 7828) of Division 7 to, to amend Sections 3100, 3255, 5605, 6426, 6761, 6816, 6913, 8905, 8956, 17402, 17405, 17407, 17262, 17262.1, 17301, 17303.5, 17654.5, 17655.5, 17656, 17660, 17664, 17665, 17665.5, 17666.2, 17671, 17674, 17676, 17702, 17702.3, 17906.2, 17920, 17921, 17922, 17924, 17925, 17951, 18060, 18062, 7771.1, 7790, 7808, 7825, 13162, the heading of Article 1 (commencing with Section 16601) of Chapter 5, Division 12, Sections 16601.5, 16603, 16604, 16605, 16615, 16618, 5251, 5258, 10501, 10503, 10810, 11003, 11301, 20752 of, to amend and renumber Section 18221 of, and to repeal Article 6.5 (commencing with Section 3321) of Chapter 10, Division 5, Sections 6760, 8906, Article 11 (commencing with Section 18102), Article 12 (commencing with Section 18152), Article 13 (commencing with Section 18202), Article 13.1 (commencing with Section 18221) of Chapter 3, Division 14, Sections 5251.1, 5252, 5253, 5256, 5259, 5260, 10502 of, the Education Code, and to amend Sections 6051, 6052.5, and 6201 of the Revenue and Taxation Code, and to repeal Section 149 of Chapter 963 of Statutes of 1967, and to repeal Section 8 of Chapter 168 of the Statutes of 1966 (First Extraordinary Session), relating to the organization and financing of the public school system, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 15, 1967. Filed with Secretary of State August 15, 1967.]

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

SECTION 1. Section 3100 of the Education Code is amended to read:

3100. It is the intent and purpose of the Legislature that the procedures prescribed by the provisions of this chapter

and Chapter 9 (commencing with Section 3001) of this division be utilized primarily for the formation of unified school districts maintaining grades kindergarten or 1 through 12, and that this form of organization be ultimately adopted throughout the state. It is the further intent of the Legislature that in exercising the authority to approve master plans and plans and recommendations developed at the local level, the State Board of Education consider the boundaries of existing high school districts as the minimum geographical base for the organization of individual unified school districts, to be deviated from only in exceptional situations. The State Board of Education may approve proposals for the formation of districts based upon the division of the territory of existing high school districts, provided that the board has determined, with respect to the proposal and the resulting new districts that all of the following conditions are met:

(a) That the new districts will be adequate in terms of number of pupils enrolled, having a projected average daily attendance of at least 10,000 by the beginning of the seventh fiscal year following the date that any such new district became effect for all purposes.

(b) That the new districts will be adequate in terms of financial ability. For purposes of determining financial ability, the board shall consider assessed valuations per pupil. In addition, solely for purposes of evaluating proposals pursuant to this section with reference to adequacy of districts in terms of financial ability, the board may, in conjunction with assessed valuations per pupil, give such consideration as it deems appropriate to federal funds received by a school district under the act of Congress entitled "An act to provide financial assistance for local educational agencies in areas affected by federal activities, and for other purposes," approved September 30, 1950 (Public Law 874—81st Congress) or under any similar act of Congress. The board shall not approve of the formation of districts by division of the territory of existing high school districts, where the adequacy of the proposed new districts in financial ability, as determined pursuant to this subdivision, varies by more than 10 percent between the proposed districts.

(c) That the new districts are each organized on the basis of a substantial community identity.

(d) That the proposal will result in an equitable division of property and facilities of the original district.

(e) That the proposal and the formation of the new districts will not promote racial or ethnic discrimination or segregation. The State Board of Education may secure the advice and assistance of any other public agencies concerned with intergroup relationships for purposes of making determinations under this subdivision.

The board may require that proposals combine the area of existing high school districts, with respect to any proposed new or reorganized districts which would not meet the require-

ments prescribed by Section 17672 or come within the exceptions prescribed by Section 17673.

SEC. 1.1. Section 3100.6 is added to the Education Code, to read:

3100.6. On or before June 4, 1968, an election shall be held within any school district territory which has not been included within a unified school district and within which no such election was held after July 1, 1964, on the question of the approval of a master plan developed under Chapter 9 of this division or plans and recommendations developed under this chapter, which will effect the reorganization of the territory involved to comply with standards prescribed. A like election shall be held on the date of each succeeding presidential primary election. Like elections may be held in such territory at any time in odd-numbered years, and on the date of each gubernatorial primary election Such like elections shall be called upon order of the county committee on school district organization, upon order resulting from the action of the governing boards of a majority of the school districts in the territory proposed to be reorganized, or by order resulting from the action of the governing boards of school districts which have enrolled in the schools under their collective jurisdictions a majority of the pupils in grades kindergarten through 12, inclusive, enrolled in all of the schools within the territory.

The county committee on school district organization shall, for purposes of any such election, develop any necessary master plan or plans and recommendations. In the event the county committee fails to do so, the election shall be based upon the master plan or plans and recommendations for the territory most recently approved by the State Board of Education.

A unified school district formed by operation of Section 1976 shall not be deemed to be unified for purposes of exemption from the requirements prescribed by the preceding provisions of this section, unless district conforms to the requirements prescribed by Section 17672 or Section 17673.

It is the intent and purpose of the Legislature that eligibility for the increase in foundation program provided for pursuant to Section 17676 of this code for any school district shall be determined, for the fiscal year in which this act becomes effective, and fiscal years thereafter, on the basis of whether elections have been held within the time limits specified by this section.

On and after the effective date of this section, as enacted at the 1967 Regular Session of the Legislature, this section shall supersede the provisions of Section 3100 5 and all other provisions of Chapter 143 of the Statutes of 1967.

SEC. 1.3. Section 3255 of the Education Code is amended to read:

3255. In any proposal for reorganization of school districts recommended by a county committee, the committee may in-

clude a provision for the authorization of a maximum tax rate for the proposed new district, and such provision shall be considered an inherent part of the proposal, and shall not be construed as a separate proposition. If the reorganization is approved by the registered voters of the area, such tax rate shall be the maximum tax rate for the type of new district formed in lieu of any rate specified in Section 20751 until changed by the registered voters of the district in the manner prescribed in Section 20803. Such tax rate established by the county committee shall not be less than the tax rates for the new district provided in Section 20751 nor more than the rate which would produce revenue for the proposed new district equal to: (1) the sum of the revenue of each of the districts proposed to be wholly or partially included therein had the maximum allowable tax rate been in effect in each such district during the school year immediately preceding the date upon which the reorganization would be effective for all purposes; and (2) revenues equal to the amount by which the state equalization aid allowances, if any, computed for the proposed district for the fiscal year are less than the sum of the state equalization aid allowances, if any, made to the component districts during the fiscal year immediately preceding the date on which the reorganization would be effective for all purposes. Any tax rate approved pursuant to this section may be decreased by the governing board of the district to not less than the tax rate specified in Section 20751.

SEC. 1.5. Section 3296.5 is added to the Education Code, to read:

3296.5. The State Department of Education shall prepare, and submit to the county superintendent who shall distribute to each registered voter, a statement of official information and statistics relating to the proposed new unified area which shall include but is not limited to information and statistics projecting for the new unified area the assessed valuation, the tax rate, the rate of growth, the expected enrollment and the support from the state which can be expected if such area maintains an adequate school program.

SEC. 1.7. Article 6.5 (commencing with Section 3321) of Chapter 10 of Division 5 of the Education Code is repealed.

SEC. 1.8. Section 5605 of the Education Code is amended to read:

5605. The governing board of any elementary school district situated within a high school district maintaining a junior high school shall permit pupils who have completed the sixth year of the elementary school to attend the junior high school and shall pay to the high school district for the education of the pupils a tuition charge determined pursuant to this section. The amount of the tuition charge shall be computed as follows:

(a) By multiplying each one hundred dollars ($100) of the assessed valuation of the elementary school district for the

current fiscal year, by a computational tax rate. The computational tax rate shall be one dollar and fifty cents ($1.50), increased, where necessary, by an amount equal to fifty percent (50%) of miscellaneous funds (as defined by Section 17606), and the percentage of federal funds (as defined by Section 17605) utilized for the fiscal year for purposes of Section 17603.5, by one one-hundredth of the assessed valuation of the district. For purposes of such computations, the assessed valuation of the district shall be modified as required by Section 17262.

(b) By multiplying the product derived under subdivision (a) by the ratio which the average daily attendance of pupils of the elementary school district attending grades 7 and 8 of the junior high school during the current fiscal year, bears to the total average daily attendance of the elementary school district, including such pupils in grades 7 and 8, during the current fiscal year.

On or before January 1st of each fiscal year, the governing board of the elementary school district shall draw its warrant in favor of the high school district against the general fund of the elementary school district in the amount of fifty percent (50%) of the estimated tuition charge due to the high school district for the attendance of pupils at the junior high school during the current fiscal year. The amount of the warrant shall be credited to the general fund of the high school district.

On or before July 15th following the close of the fiscal year, the governing board of the elementary school district shall draw its warrant in favor of the high school district against the general fund of the elementary school district in the amount of the difference between the final tuition as computed by this section and the first installment paid to the high school district. The amount of the warrant shall be credited to the general fund of the high school district. The revenues, although received after the close of the fiscal year shall be considered revenues of the preceding fiscal year.

SEC. 2. Section 6426 of the Education Code is amended to read:

6426. The Superintendent of Public Instruction, if he approves, shall apportion to each applicant school district an amount equal to sixty dollars ($60) for each pupil participating in the program for one school year, and forty dollars ($40) for each pupil identified as a mentally gifted minor.

Apportionments made during a fiscal year pursuant to this section shall not be made on account of more than 3 percent of the units of average daily attendance of pupils during the preceding fiscal year credited to all kindergarten, and grades 1 through 12 in all of the schools and classes maintained by school districts and county superintendents of schools.

SEC. 3. Section 6455.1 is added to the Education Code, to read:

6455.1. All compensatory preschool programs operated by school districts, regardless of source of funds, shall be subject to the regulations of the State Board of Education. The State Board of Education is authorized to establish standards for all compensatory preschool programs.

SEC. 3.1. Section 6760 of the Education Code is repealed.

SEC. 3.2. Section 6761 of the Education Code is amended to read:

6761. The Superintendent of Public Instruction shall:

(a) Prescribe the form and manner of notification of intention to initiate a program

(b) Prescribe the procedures for qualifying for allowances for special regular day classes, and for authorized instruction in other than special regular day classes of educationally handicapped minors.

SEC. 3.3. Section 6816 of the Education Code is amended to read:

6816. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for, and shall determine the amount of the allowances for special regular day classes and for the authorized instruction in other than special regular day classes of physically handicapped minors.

SEC. 3.4. Section 6913 of the Education Code is amended to read:

6913. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for and shall determine the amount of the allowances for special regular day classes and for authorized instruction in other than special regular day classes of mentally retarded minors.

SEC. 3.5. Section 8905 of the Education Code is amended to read:

8905. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for and shall determine the amount of the allowances for special regular day classes and for authorized instruction in other than special regular day classes of physically handicapped minors.

SEC. 3.6. Section 8906 of the Education Code is repealed.

SEC. 3.7. Section 8956 of the Education Code is amended to read:

8956. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for and shall determine the amount of the allowances for special regular day classes and for authorized instruction in other than special regular day classes for education of mentally retarded minors.

SEC. 3.8. Section 17402 of the Education Code is amended to read:

17402. The Superintendent of Public Instruction shall on or before February 20th of each year apportion to each elementary school district, high school district junior college district, county school service fund, and county school tuition fund the total amounts allowed to them under Sections 17751, 17801, 17851, 17901, 17904, 18060, 18062, 18102, 18103, 18104,

18352(a), 18352(b), 18355, 18358, 18401, and Sections 18451 to 18456, inclusive, whichever are in effect. This apportionment shall be called the first principal apportionment.

SEC. 3.9. Section 17405 of the Education Code is amended to read:

17405. The Superintendent of Public Instruction shall on or before December 10th of each year apportion to each elementary, high school, and junior college district, and county school service fund the total of amounts allowed to them under Sections 6425 to 6427, inclusive, Sections 18051 to 18059, inclusive, Sections 18251 to 18254, inclusive, and Sections 18301 to 18307, inclusive. This apportionment shall be called the special purpose apportionment.

SEC. 3.10. Section 17407 of the Education Code is amended to read:

17407. The Superintendent of Public Instruction shall on or before June 25th of each year apportion to each elementary school district, high school district, junior college district, county school service fund, and county school tuition fund the total amounts allowed to them under Sections 17751, 17801, 17851, 17901, 17902, 17904, 17926, 17951, 17952, 18060, 18062, 18102, 18103, 18104, 18352(a), 18352(b), 18355, 18358, 18401, and Sections 18451 to 18456, inclusive, whichever are in effect. This apportionment shall be called the second principal apportionment.

SEC 3.11. Section 17262 of the Education Code is amended to read:

17262. Any state department, board, or agency which allocates funds to any school district on the basis of the assessed valuation of property within the district, or which makes any computation on this basis for school building fund repayment purposes, shall average the factor certified for the current year under Section 17261 for the local roll of the county in which the district is located with the factors so certified for the two immediately preceding years. The department, board, or agency shall then modify that part of the valuation of the district shown on the local roll, other than any part of the valuation which was excluded under Section 17261, by application of this three-year average factor, or by application of the factor for the current fiscal year, whichever factor is lowest. If a district is located in more than one county, this modification shall be made by applying the average factor or the single-year factor appropriate for the assessed value of the property upon the local roll of each county within which the district is located.

SEC. 3.12. Section 17263.1 of the Education Code is amended to read:

17263.1. Whenever it appears that a district's state equalization aid and supplementary support will be less than they would be if no modification of the district's assessed valuation were required under Section 17262, the governing board of the

district shall estimate the amount of the difference and shall certify the amount to the county superintendent of schools.

The county superintendent of schools shall certify to the county auditor of the county in which the districts are included the amounts required to offset such decrease of equalization aid, or supplemental support, or both, in all the districts under his jurisdiction. The county auditor shall certify such amounts to the county board of supervisors who shall, at the time other taxes are levied, levy a tax upon all the assessed valuation of the county sufficient to provide the total of the amounts certified. Upon the collection of such taxes the county auditor shall pay to each school district the amount certified as required to offset the decrease in equalization aid or supplemental support.

SEC. 4. Section 17301 of the Education Code is amended to read:

17301. (a) The State Controller shall during each fiscal year transfer from the General Fund of the state to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction, one hundred eighty dollars ($180).

(b) The Controller shall also transfer, as needed during each fiscal year, such additional amounts from the General Fund to the State School Fund as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual computed apportionments from the State School Fund for the purposes set forth in Section 17303.5; provided that the total of such additional amounts transferred in a fiscal year shall not exceed, except pursuant to subdivision (c) of this section, eighty-three dollars and fourteen cents ($83.14) for the fiscal year 1967–1968 and fiscal years thereafter, per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction, less the amount, if any, by which one dollar and sixty cents ($1.60) multiplied by the number of units of average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, junior college and adult schools in the state and to the county school tuition funds exceeds twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts

which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance.

(c) In addition to the amounts authorized to be transferred to the State School Fund from the General Fund under subdivisions (a) and (b) of this section, the Controller shall transfer from the General Fund to the State School Fund during the fiscal year, upon certification of the Superintendent of Public Instruction, if necessary to meet actual computed apportionments for the fiscal year for the purposes set forth in Sections 17303 and 17303.5, an amount not to exceed the lesser of: (1) 1 percent of the total apportionment from the State School Fund in the preceding fiscal year for the purposes set forth in Section 17303 or 17303.5, or (2) the net amount, if any, by which the total amounts authorized to be transferred from the General Fund to the State School Fund under subdivisions (a) and (b) of this section in prior fiscal years have exceeded the total amounts actually apportioned in prior fiscal years for the purposes set forth in Sections 17303 and 17303.5.

(d) He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Sections 17303 and 17303.5 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 and 2 (Sections 17301 to 17354, inclusive) of this chapter and in Sections 11256, and 17251, and Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive.

SEC. 5. Section 17303.5 of the Education Code is amended to read:

17303.5. The amount transferred pursuant to subdivision (b) of Section 17301 shall be expended in accordance with the following schedule:

(a) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance, but not to exceed an amount equal to one dollar and sixty cents ($1.60) multiplied by the average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds, for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Four dollars ($4) multiplied by the total average daily attendance credited to all kindergarten, elementary, high

school, junior college and adult schools in the state and to county school tuition funds during the preceding school year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(c) Twelve dollars and eighty-five cents ($12.85), multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year, for the purposes of Sections 18060 and 18062, and Articles 11, 12 and 13 (commencing with Sections 18102, 18152, and 18202, respectively) of Chapter 3 of this division.

(d) Three dollars and six cents ($3.06) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year for allowances to county school service funds pursuant to subdivision (b) of Section 18352.

(e) Ninety-six cents ($0.96), multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds for allowances to school districts for the purposes of Section 6426.

(f) Sixty dollars and sixty-seven cents ($60.67) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year for basic aid, equalization aid, allowances for adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance.

SEC. 5.1. Section 17603.5 is added to the Education Code, to read:

17603.5. Notwithstanding any other provisions of this code to the contrary, commencing with the 1967–1968 fiscal year, for any school district which the Superintendent of Public Instruction determines will, for the current fiscal year, receive less than 35 percent of its income to the general fund of the district, as specified in the budget of the district for the fiscal year, from funds provided pursuant to an act of Congress entitled "An act to provide financial assistance for local educational agencies in areas affected by federal activities, and for other purposes," approved September 30, 1950 (Public Law 874) or under similar provisions of any other act of Congress, the amounts computed as allowable to any school district for state equalization aid shall be reduced by twenty-five percent (25%) of federal funds as defined by Section 17605, and by fifty percent (50%) of miscellaneous funds, as defined in Section 17606. In no event shall the reduction exceed the total amount allowable as equalization aid to the school district for the fiscal year. For such purposes, federal funds, and miscel-

laneous funds, as defined in Section 17605, and 17606, respectively, received by a unified school district, shall be allocated to the kindergarten and elementary, high school and junior college grades, respectively, on the basis of the proportion of the district's total average daily attendance in each such grade level, and the provisions of Section 17601 shall be applicable.

Should the amount of federal funds, and miscellaneous funds, as defined in Section 17605, and in Section 17606, respectively, actually received by a school district for any fiscal year be more or less than that reported for such district by the U.S. Commissioner of Education to the Superintendent of Public Instruction, the Superintendent of Public Instruction shall during the fiscal year next succeeding that in which the district has received all of the federal funds actually paid the district for the first mentioned fiscal year withhold from or add to the apportionment made to the district from the State School Fund the amount of the excess or deficiency produced by the operation of this section or Section 17603, as the case may be, in the apportionment of state equalization aid from the State School Fund for the preceding year, if the amount of the excess or deficiency in such apportionment was one hundred dollars ($100) or more.

Commencing with the 1967–1968 fiscal year, the provisions of Sections 17602, 17602.5 and 17603 shall be applicable only to any school district which the Superintendent of Public Instruction determines will, for the current fiscal year, receive from such federal funds 35 percent or more of its income to the general fund of the district, as specified in the budget of the district for the fiscal year.

SEC. 6. Section 17654.5 of the Education Code is amended to read:

17654.5. For each elementary school district which maintains only one school with an average daily attendance of less than 101, he shall make one of the following computations, whichever provides the lesser amount:

(1) For each small school which has an average daily attendance during the fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute for the district eight thousand one hundred seventy-five dollars ($8,175).

(2) For each small school which has an average daily attendance during the fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district sixteen thousand three hundred fifty dollars ($16,350).

(3) For each small school which has an average daily attendance during the fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school three teachers

were hired full time for more than one-half of the days schools were maintained, he shall compute for the district twenty-four thousand five hundred twenty-five dollars ($24,525).

(4) For each small school which has an average daily attendance during the fiscal year of 76 or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district thirty-two thousand seven hundred dollars ($32,700).

SEC. 7. Section 17655.5 of the Education Code is amended to read:

17655.5. (a) For each district on account of each necessary small school (giving regard to the number of teachers actually employed or average daily attendance), he shall make one of the following computations, whichever provides the lesser amount:

(1) For each necessary small school which has an average daily attendance during the fiscal year of less than 26, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least one teacher was hired full time, he shall compute for the district eight thousand one hundred seventy-five dollars ($8,175).

(2) For each necessary small school which has an average daily attendance during the fiscal year of 26 or more and less than 51, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district sixteen thousand three hundred fifty dollars ($16,350).

(3) For each necessary small school which has an average daily attendance during the fiscal year of 51 or more but less than 76, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school three teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district twenty-four thousand five hundred twenty-five dollars ($24,525).

(4) For each necessary small school which has an average daily attendance during the fiscal year of 76 or more and less than 101, exclusive of pupils attending the seventh and eighth grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, he shall compute for the district thirty-two thousand seven hundred dollars ($32,700).

(b) For each district on account of each small school not determined to be a necessary small school under Section 17655 he shall make one of the following computations, whichever applies:

(1) If the total of the units of average daily attendance of the district during the fiscal year, exclusive of pupils attending the seventh and eighth grades of a junior high school, is

less than 901, he shall multiply the units of average daily attendance in the school by three hundred twenty-seven dollars ($327).

(2) If the total of the units of average daily attendance in the district during the fiscal year, exclusive of pupils attending the seventh and eighth grades of a junior high school, is 901 or more, he shall multiply the units of average daily attendance by three hundred thirty-seven dollars ($337).

SEC. 8. Section 17656 of the Education Code is amended to read:

17656. For each elementary school district which, exclusive of pupils attending the seventh and eighth grades of a junior high school, has an average daily attendance of 101 or more but less than 901 during the fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school and pupils for whom a foundation program is computed under Section 17655.5, by three hundred twenty-seven dollars ($327).

For each elementary school district which, exclusive of pupils attending the seventh and eighth grades of a junior high school, has an average daily attendance of 901 or more during the fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, and pupils for whom a foundation program is computed under Section 17655.5 by three hundred thirty-seven dollars ($337).

SEC. 9. Section 17660 of the Education Code is amended to read:

17660. For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of less than 901 during the fiscal year, on account of the attendance during the fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 11404 and 5612, he shall multiply the average daily attendance in such grades by three hundred twenty-seven dollars ($327).

For each elementary school district with an average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, of 901 or more during the fiscal year, on account of the attendance during the fiscal year of pupils in the seventh and eighth grades of a junior high school which attendance is credited to the elementary school district pursuant to Sections 11404 and 5612, he shall multiply the average daily attendance in such grades by three hundred thirty-seven dollars ($337).

SEC. 10. Section 17664 of the Education Code is amended to read:

17664. (a) For each district on account of each necessary small high school the Superintendent of Public Instruction

shall make one of the following computations selected with regard only to the number of certificated employees employed or average daily attendance, whichever provides the lesser amount:

(1) For one which has an average daily attendance during the fiscal year of less than 21 and for which at least three certificated employees were employed full time, he shall compute forty-one thousand four hundred dollars ($41,400).

(2) For one which has an average daily attendance during the fiscal year of 21 or more and less than 41 and for which at least four certificated employees were employed full time, he shall compute forty-nine thousand five hundred dollars ($49,500).

(3) For one which has an average daily attendance during the fiscal year of 41 or more and less than 61 and for which at least five certificated employees were employed full time, he shall compute fifty-seven thousand six hundred dollars ($57,600).

(4) For one which has an average daily attendance during the fiscal year of 61 or more and less than 76 and for which at least six certificated employees were employed full time, he shall compute sixty-five thousand seven hundred dollars ($65,700).

(5) For one which has an average daily attendance during the fiscal year of 76 or more and less than 91 and for which at least seven certificated employees were employed full time, he shall compute seventy-three thousand eight hundred dollars ($73,800).

(6) For one which has an average daily attendance during the fiscal year of 91 or more and less than 106 and for which at least eight certificated employees were employed full time, he shall compute eighty-one thousand nine hundred dollars ($81,900).

(7) For one which has an average daily attendance during the fiscal year of 106 or more and less than 121 and for which at least nine certificated employees were employed full time, he shall compute ninety thousand dollars ($90,000).

(8) For one which has an average daily attendance during the fiscal year of 121 or more and less than 136 and for which at least 10 certificated employees were employed full time, he shall compute ninety-eight thousand one hundred dollars ($98,100).

(9) For one which has an average daily attendance during the fiscal year of 136 or more and less than 151 and for which at least 11 certificated employees were employed full time, he shall compute one hundred six thousand two hundred dollars ($106,200).

(10) For one which has an average daily attendance during the fiscal year of 151 or more and less than 181 and for which at least 12 certificated employees were employed full time, he shall compute one hundred fourteen thousand three hundred dollars ($114,300).

(11) For one which has an average daily attendance during the fiscal year of 181 or more and less than 221 and for which at least 13 certificated employees were employed full time, he shall compute one hundred twenty-two thousand four hundred dollars ($122,400).

(12) For one which has an average daily attendance during the fiscal year of 221 or more and less than 261 and for which at least 14 certificated employees were employed full time, he shall compute one hundred thirty thousand five hundred dollars ($130,500).

(13) For one which has an average daily attendance during the fiscal year of 261 or more and less than 301 and for which at least 15 certificated employees were employed full time, he shall compute one hundred thirty-eight thousand six hundred dollars ($138,600).

(14) For one which has an average daily attendance of less than 21 and for which fewer than three certificated employees were employed, he shall compute eight thousand one hundred dollars ($8,100). for each of the teachers employed in the school.

(b) For each district on account of each small high school not determined to be a necessary small high school under Sections 17663, 17663.5, and 17663.7, he shall make one of the following computations, whichever applies:

(1) If the total of the units of average daily attendance in the district during the fiscal year is less than 301, he shall multiply the units of average daily attendance during the fiscal year in the school by four hundred sixty-two dollars ($462).

(2) If the total of the units of average daily attendance in the district during the fiscal year is more than 300, he shall multiply the units of average daily attendance during the fiscal year in the school by four hundred seventy-two dollars ($472).

For the purposes of this section a "certificated employee" is an equivalent full-time position of an individual holding a credential authorizing service, and performing service in grades 9 through 12 in any secondary school. Any fraction of an equivalent full-time position shall be deemed to be a full-time position.

The foundation program established by this section for high schools with an average daily attendance of less than 301 shall not apply to any high school established after July 1, 1961 unless the establishment of such schools has been approved by the Superintendent of Public Instruction.

SEC. 11. Section 17665 of the Education Code is amended to read:

17665. For each high school district which has an average daily attendance of 301 or more during the fiscal year, he shall multiply the average daily attendance by four hundred seventy-two dollars ($472).

SEC. 12. Section 17665.5 of the Education Code is amended to read:

17665.5. For a high school district which has an attendance credited pursuant to Section 10815, he shall multiply the average daily attendance by four hundred seventy-two dollars ($472).

SEC. 13. Section 17666.2 of the Education Code is amended to read:

17666.2. (a) Except for a junior college district which qualifies under subdivision (b), for each junior college district, he shall multiply the number of units of average daily attendance, during the fiscal year, in grades 13 and 14 computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, by six hundred twenty-eight dollars ($628).

(b) For each junior college district which has an average daily attendance of less than 1,001 during the fiscal year 1965–1966 and during the fiscal year 1966–1967, and for each junior college district which has an average daily attendance of less than 1,001 during the fiscal year and qualifies as a necessary small junior college district as defined in Section 17666.3 for the fiscal year 1967–1968 and fiscal years thereafter, the Superintendent of Public Instruction shall make one of the following computations selected with regard only to the number of certificated employees employed or average daily attendance, whichever provides the lesser amount.

(1) For one which has an average daily attendance of less than 151 and for which at least 12 certificated employees were employed full time, he shall compute one hundred sixty-nine thousand dollars ($169,000).

(2) For one which has an average daily attendance of 151 or more and less than 201 for which at least 15 certificated employees were employed full time, he shall compute two hundred twenty thousand dollars ($220,000).

(3) For one which has an average daily attendance of 201 or more and less than 301 and for which at least 18 certificated employees were employed full time, he shall compute two hundred seventy-one thousand dollars ($271,000).

(4) For one which has an average daily attendance of 301 or more and less than 401 and for which at least 21 certificated employees were employed full time, he shall compute three hundred twenty-two thousand dollars ($322,000).

(5) For one which has an average daily attendance of 401 or more and less than 501 and for which at least 24 certificated employees were employed full time, he shall compute three hundred seventy-three thousand dollars ($373,000).

(6) For one which has an average daily attendance of 501 or more and less than 601 and for which at least 27 certificated employees were employed full time, he shall compute four hundred twenty-four thousand dollars ($424,000).

(7) For one which has an average daily attendance of 601 or more and less than 701 and for which at least 30 certificated

employees were employed full time, he shall compute four hundred seventy-five thousand dollars ($475,000).

(8) For one which has an average daily attendance of 701 or more and less than 801 and for which at least 33 certificated employees were employed full time, he shall compute five hundred twenty-six thousand dollars ($526,000).

(9) For one which has an average daily attendance of 801 or more and less than 901 and for which at least 36 certificated employees were employed full time, he shall compute five hundred seventy-seven thousand dollars ($577,000).

(10) For one which has an average daily attendance of 901 or more and less than 1,001 and for which at least 39 certificated employees were employed full time, he shall compute six hundred twenty-eight thousand dollars ($628,000).

(c) A junior college district shall not be eligible for the foundation program computed under subdivision (b), unless it levies during the fiscal year a tax, exclusive of taxes levied under Sections 3356, 16633, 19443, 19619, 20801 and 22101, of not less than thirty-five cents ($0.35).

For purposes of this section and Section 17851, the average daily attendance of a junior college district shall, subject to the provisions of Section 17611, be computed in the manner prescribed by Sections 11451 and 11501 except that there shall be excluded from the computation the attendance of all students deemed "nonresident" or "nondistrict resident" as defined in Sections 25505 and 25505.1, and there shall be included in the computation the attendance of all "district resident" students as defined in Sections 25505 and 25505.1 residing in the district who were in attendance at a junior college in another district. Notwithstanding the above provisions of this section, the attendance of students deemed nonresidents as provided in Sections 25505 and 25505.1 shall be included in the average daily attendance of a junior college for the purposes of Section 17851.

The Superintendent of Public Instruction shall exclude from the computation provided by this section the average daily attendance during the fiscal year of adults, as adults are defined in Section 5756, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp, or farm for adults.

(d) In the event a junior college district to which the provisions of subdivision (b) of this section applies is included by any reorganization authorized by law in a junior college district which has an average daily attendance of 1,001 or more, the Superintendent of Public Instruction shall continue to compute the foundation program for the junior college district included by such reorganization in accordance with the provisions of subdivision (b) of this section.

SEC. 13.1. Section 17671 of the Education Code is amended to read:

17671. For school districts which are eligible, commencing with the 1967–1968 fiscal year, under the standards prescribed

by this article, the Superintendent of Public Instruction shall compute increases in the applicable foundation program or programs as follows:

(a) He shall increase the foundation program computed for a district under Sections 17655.5, 17656, and 17660 by twenty dollars ($20) per pupil in average daily attendance.

(b) He shall increase the foundation program computed for a district under Sections 17664, 17665 and 17665.5 by twenty dollars ($20) per pupil in average daily attendance, excluding the average daily attendance of adults, as adults are defined in Section 5756, and the average daily attendance in classes for inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults during the fiscal year.

SEC. 13.2. Section 17676 of the Education Code is amended to read:

17676. The foundation program computed under Article 2 (commencing with Section 17651) of this chapter for any school district which is not otherwise eligible for the increase in foundation program prescribed by Section 17671 shall, nevertheless, be increased in the fiscal year by twenty dollars ($20) for each unit of average daily attendance of the district, exclusive of the average daily attendance of adults, as adults are defined in Section 5756, and the average daily attendance in classes for inmates of any state institution for adults or of any city, county, or city and county jail, road camp, or farm for adults, for the fiscal year if (1) the Superintendent of Public Instruction determines that

(a) The district was included within territory proposed for reorganization by a master plan or plans and recommendations developed under Chapter 9 or Chapter 10 of Division 5, which master plan or plans and recommendations complied with the standards prescribed by Section 17672 or Section 17673;

(b) The master plan or plans and recommendations were defeated at an election held within the territory involved after the effective date of this section and;

(c) A majority of the votes cast in the district at the most recent such election were cast in favor of the reorganization proposed; or (2) the Superintendent of Public Instruction finds that

(a) The district is an elementary district lying within two or more high school districts;

(b) The total territory of the district, including each separate portion lying within two or more high school districts, was included within territory proposed for reorganization by one or more master plans or plans and recommendations developed under Chapter 9 or Chapter 10 of Division 5, for which each such master plan or plans and recommendations complied with the standards prescribed by Section 17672 or Section 17673;

(c) All of such master plans or plans and recommendations were voted upon at an election held within the territory involved during the preceding fiscal year;

(d) Regardless of the outcome of such election, the unified districts would have been effective for all purposes on the same date if all of such elections had been successful; and

(e) A majority of the votes cast in the district in all separate proposals were cast in favor of the reorganization proposed.

SEC. 14. Section 17674 of the Education Code is amended to read:

17674. The foundation program computed for the fiscal year for each elementary school district pursuant to Section 17656, as increased, where necessary, pursuant to the other provisions of this article, shall be increased further by thirty dollars ($30) for each unit of average daily attendance in regular day classes during the fiscal year in grades 1 through 3, inclusive, reported under the provisions of Section 17601.1, as adjusted, if necessary, under the provisions of Section 17507.

The Legislature intends that the increase in the foundation program made available by this section be utilized by local school districts, for the achievement of reduced class sizes in grades 1 through 3, inclusive, so that the sizes of such classes will not exceed the minimum standards prescribed by Section 17507.

SEC. 15. Section 17702 of the Education Code is amended to read:

17702. The Superintendent of Public Instruction shall compute for each district described herein, which does not come within the provisions of Section 17702.2, the amount, to be known as district aid, which a tax levied on each one hundred dollars ($100) of 100 percent of the assessed valuation in such district as shown by the equalized assessment roll of the district for the current year would produce if levied, if such tax was:

(a) One dollar ($1) in an elementary school district.

(b) Eighty cents ($0.80) in a high school district.

(c) Twenty-five cents ($0.25) in a junior college district.

SEC. 16. Section 17702.3 of the Education Code is amended to read:

17702.3. For purposes of making the computations prescribed by Section 17702.2, the Superintendent of Public Instruction shall, where necessary, adjust the assessed valuation of the territory involved, in the same manner and on the same basis as is required for individual districts pursuant to Chapter 1.5 (commencing with Section 17261) of this division and Sections 17703, 17704, and 17705. Losses in state equalization aid and supplemental support arising from the operation of Chapter 1.5 (commencing with Section 17261) of this division, shall be provided for in the manner prescribed in Section 17263.1.

SEC. 16.1. Section 17906.2 of the Education Code is amended to read:

17906.2. No state equalization aid shall be allowed unless there shall have been levied pursuant to this code, for a district during the fiscal year, a tax, exclusive of taxes levied under Sections 3356, 16633, 19443, 19619, and 22101, as follows:

For purposes of allowances for the fiscal year 1967–1968 and for the fiscal years following, not less than one dollar ($1) if an elementary district, eighty cents ($0.80) if a high school district, and twenty-five cents ($0.25) if a junior college district.

SEC. 16.2. Section 17920 of the Education Code is amended to read:

17920. The Superintendent of Public Instruction shall allow, in addition to the total amount of basic state aid and equalization aid allowed for each elementary school district, an amount to each elementary district with ten thousand dollars ($10,000) or less in assessed valuation for the current fiscal year per unit of average daily attendance for the current fiscal year, and to each high school district with twenty thousand dollars ($20,000) or less in assessed valuation per unit of average daily attendance, exclusive of the average daily attendance of adults, as adults are defined in Section 5756, as computed under this article.

SEC. 16.3. Section 17921 of said code is amended to read:

17921. For each elementary school district, the Superintendent of Public Instruction shall determine that portion of the general fund tax rate of the district converted to the nearest cent which is in excess of one dollar ($1), exclusive of rates levied pursuant to Sections 1615, 3356, 16633, 19443, 19619, 20801, and 22101, and not to exceed sixty cents ($0.60).

SEC. 16.4. Section 17922 of said code is amended to read:

17922. For each high school district, the Superintendent of Public Instruction shall determine that portion of the general fund tax rate of the district converted to the nearest cent which is in excess of eighty cents ($0.80), exclusive of rates levied pursuant to Sections 1615, 3356, 16633, 19443, 19619, 20801, and 22101, and not to exceed twenty cents ($0.20).

SEC. 16.5. Section 17924 of said code is amended to read:

17924. (a) For each elementary school district, the Superintendent of Public Instruction shall determine a supplementary amount, in excess of the foundation program, for each unit of average daily attendance, exclusive of the average daily attendance in special day and evening classes and summer schools, equal to one dollar ($1) for each cent of the applicable tax rate pursuant to Section 17921. In no case shall the supplementary amount per unit of average daily attendance under this section be in excess of sixty dollars ($60).

Notwithstanding any provision of this article to the contrary, the Superintendent of Public Instruction shall apportion the additional supplemental support funds allowed by this section, as amended at the 1966 First Extraordinary Session

of the Legislature, to an elementary school district which is not eligible for the increase in foundation program prescribed by Section 17676 only if that district levies, for the fiscal year, a general fund tax rate sufficiently in excess of one dollar and sixty cents ($1.60) on each one hundred dollars ($100) of assessed valuation of property in the district to raise an amount in the district equivalent to the product of twenty dollars ($20) multiplied by the total of the units of average daily attendance in the district, and provided further that the district meets the other requirements of this article.

SEC. 17. Section 17925 of said code is amended to read:

17925. For each high school district, the Superintendent of Public Instruction shall determine a supplementary amount, in excess of the foundation program, for each unit of average daily attendance, exclusive of the average daily attendance of summer school and adults, as adults are defined in Section 5756, equal to two dollars ($2) for each cent of the applicable tax rate pursuant to Section 17922. In no case shall the supplementary amount per unit of average daily attendance under this section be in excess of forty dollars ($40).

Notwithstanding any provision of this article to the contrary, the Superintendent of Public Instruction shall apportion the additional supplemental support funds allowed by this section, as amended at the 1966 First Extraordinary Session of the Legislature, to a high school district which is not eligible for the increase in foundation program prescribed by Section 17676 only if that district levies, for the 1966–1967 fiscal year, a general fund tax rate sufficiently in excess of one dollar ($1) on each one hundred dollars ($100) of assessed valuation of property in the district to raise an amount in the district equivalent to the product of twenty dollars ($20) multiplied by the total units of average daily attendance in the district, exclusive of the average daily attendance of adults as adults are defined by Section 5756, and provided further that the district meets the other requirements of this article.

SEC. 17.1. Section 17925.5 is added to said code, to read:

17925.5. The maximum rate of school district tax which may be levied for all school purposes, exclusive of bond interest and redemption, for any elementary or high school district which is not eligible for the increase in foundation program prescribed by Section 17676 and which, with respect to the elementary district, has an assessed valuation per unit of average daily attendance for the district of ten thousand dollars ($10,000) or less and which, with respect to the high school district, has an assessed valuation per unit of average daily attendance for the district, exclusive of the average daily attendance of adults as adults are defined by Section 5756, of twenty thousand dollars ($20.000) or less, may be increased, upon adoption of a resolution of the governing board of the district, by an amount which will not exceed a rate which will raise a sum in the district equivalent to a tax of one dollar and sixty cents ($1.60) on each one hundred dollars ($100)

of assessed valuation if an elementary district or equivalent to a tax of one dollar ($1) on each one hundred dollars ($100) of assessed valuation if a high school district plus the product of twenty dollars ($20) multiplied by the total units of average daily attendance in the district exclusive, with respect to high school districts, of the average daily attendance of adults as adults are defined by Section 5756.

SEC. 17.5. Section 17951 of the Education Code is amended to read:

17951. Beginning with the fiscal year 1964–1965 and for each fiscal year thereafter, the allowance for each unit of average daily attendance during the fiscal year for adults, as adults are defined in Section 5756, shall be as follows:

(a) For high school districts the allowance shall be three hundred forty dollars ($340) less the product of fifty cents ($0.50) multiplied by each one hundred dollars ($100) of the assessed valuation of the district per unit of average daily attendance exclusive of adults.

(b) For each unit of average daily attendance attached to a junior college the allowance shall be five hundred ten dollars ($510) less the product of twenty-four cents ($0.24) multiplied by each one hundred dollars ($100) of the assessed valuation of the district per unit of average daily attendance exclusive of adults.

The allowance provided by this section for each unit of average daily attendance of an adult, as an adult is defined in Section 5756, not residing in the district and not residing in any district maintaining a junior college shall be limited to one hundred twenty-five dollars ($125) as basic state aid and no allowance shall be made based on state equalization aid. The total of basic and equalization aid allowed each district shall not be less than one hundred twenty-five dollars ($125) or exceed two hundred fifty dollars ($250) for each unit of average daily attendance during the fiscal year for resident adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults.

If any computation made under any of the preceding paragraphs of this section produces an allowable amount not in excess of one hundred twenty-five dollars ($125) per unit of average daily attendance, such allowable amount computed shall be adjusted if, and to the extent necessary, so that the actual allowance shall not exceed one hundred twenty-five dollars ($125) per unit of average daily attendance of the adults in high schools and junior colleges during the preceding fiscal year.

SEC. 19. Article 8.6 (commencing with Section 17990) of Chapter 3 of Division 14 of the Education Code is repealed.

SEC. 20. Section 18060 of the Education Code is amended to read:

18060. (a) In addition to all other amounts allowed to a school district under this article, the Superintendent of Public Instruction shall allow to each school district for transporting blind, deaf, aphasic, cerebral palsied, orthopedically handicapped and other physically impaired minor pupils handicapped in mobility and including mentally retarded minors who come within the provisions of Section 6903, to and from special day classes, three hundred eighty-nine dollars ($389) for each unit of average daily attendance of such pupils during the fiscal year resulting from the attendance of such pupils on the special day classes to and from which they are transported by the district.

(b) The Superintendent of Public Instruction shall allow to the county school service fund of each county for transporting blind, deaf, aphasic, cerebral palsied, orthopedically handicapped and other physically impaired minor pupils handicapped in mobility and including mentally retarded minors who come within the provisions of Section 6903, to and from special day classes, three hundred eighty-nine dollars ($389) for each unit of average daily attendance during the fiscal year resulting from the attendance of such pupils on the special day classes to and from which they are transported by the county superintendent of schools.

(c) For each school district and county superintendent of schools furnishing transportation pursuant to subdivision (a) or subdivision (b) under circumstances requiring the operation of vehicles exclusively for such purpose, the Superintendent of Public Instruction shall allow under each such subdivision 75 percent of any expense in excess of three hundred eighty-nine dollars ($389), but the additional allowance shall not exceed seventy-three dollars ($73), per unit of average daily attendance of such pupils. Such amount shall be allowed as a part of the second principal apportionment upon special request made therefor to, and upon approval by, the Superintendent of Public Instruction.

(d) As used in this section, "physically impaired minor pupils handicapped in mobility" means those children who are deemed eligible for special class placement as defined by the State Board of Education.

SEC. 21. Section 18062 of the Education Code is amended to read:

18062. In addition to all other amounts allowed to a school district under this article, the Superintendent of Public Instruction shall allow to each school district for transporting minor pupils whose vision or hearing is impaired to a degree making it practical to transport them to some location in another district where specialized instruction may be afforded, three hundred eighty-nine dollars ($389) for each unit of average daily attendance of such pupils during the fiscal year resulting from the attendance of such pupils on the classes of specialized instruction to and from which they are transported.

For each school district furnishing transportation under circumstances requiring the operation of vehicles exclusively for that purpose, the Superintendent of Public Instruction shall allow 75 percent of any expense in excess of three hundred eighty-nine dollars ($389), but the additional allowance shall not exceed seventy-three dollars ($73), per unit of average daily attendance of such pupils. Such amount shall be allowed as a part of the second principal apportionment upon special request made therefor to, and upon approval by, the Superintendent of Public Instruction.

Allowances under this section shall be subject to the approval of the Superintendent of Public Instruction of the practicality of transporting the pupils involved in any particular instance to the place where specialized instruction is afforded.

SEC. 21.1. Section 18221 of the Education Code is amended and renumbered to read:

18104. (a) The Superintendent of Public Instruction shall allow to each school district and county superintendent of schools an amount equal to the excess current expense of education to such district or county superintendent of schools for educating educationally handicapped minor pupils who come within the provisions of subdivisions (a), (b), and (d) of Section 6751 but not in excess of the maximum allowance for each unit of average daily attendance of educationally handicapped minors during the next preceding fiscal year as set forth in the following schedule:

(1) Special day class (elementary and secondary)	$1,140
(2) Learning disability groups (elementary and secondary)	1,880
(3) Home and hospital instruction	1,590

(b) The Superintendent of Public Instruction shall compute for each applicant school district and county superintendent of schools the total current expense incurred by the district and the county superintendent of schools, during the preceding year, in providing in such year a program of specialized consultation to teachers, counselors and supervisors for educationally handicapped minors who come within the provisions of subdivision (c) of Section 6751 but not to exceed the total amount computed for the district or county superintendent of schools in accordance with this section. The total amount computed shall not exceed an amount equal to the product of the average daily attendance of pupils enrolled in such programs in subdivision (a) of this section and ten dollars ($10).

SEC. 22. Article 11 (commencing with Section 18102) of Chapter 3 of Division 14 of the Education Code is repealed.

SEC. 22.5. Article 12 (commencing with Section 18152) of Chapter 3 of Division 14 of the Education Code is repealed.

SEC. 22.6. Article 13 (commencing with Section 18202) of Chapter 3 of Division 14 of the Education Code is repealed.

SEC. 22.7. Article 13.1 (commencing with Section 18221) of Chapter 3 of Division 14 of the Education Code is repealed.

SEC. 22.8. Article 11 (commencing with Section 18101) is added to Chapter 3 of Division 14 of the Education Code, to read:

Article 11. Allowances for Mentally Retarded, Severely Mentally Retarded, Physically Handicapped and Educationally Handicapped Minors

18101. The Superintendent of Public Instruction shall allow, during the current fiscal year, to each school district and county superintendent of schools maintaining special regular day classes for the education of physically handicapped minors (as defined by Sections 6801 and 6802), mentally retarded minors (as defined by Sections 6901 and 6902), severely mentally retarded minors (as defined by Section 6903), and educationally handicapped minors (as defined by Section 6750), the amounts prescribed by this article for each of the respective types of class maintained for the fiscal year.

18101.5. For purposes of this article the State Board of Education shall adopt rules and regulations, based upon principles to govern the education of handicapped pupils as developed by competent authority in the field of educating such pupils, to accomplish the following:

(a) Establish appropriate distinctions between special regular day classes and other forms of instructional methods or organization by which instruction is afforded to the various categories of handicapped minors.

(b) Establish appropriate class sizes for each category of handicapped minor for the special regular day classes.

18102. (1) The Superintendent of Public Instruction shall allow to each school district and each county superintendent of schools, for each special day class, maintained during the current fiscal year, of the size prescribed by the State Board of Education for the particular category of handicapped pupils involved, an amount as follows:

(a) For mentally retarded minors (as defined by Section 6902)	$7,830
(b) For mentally retarded minors (as defined by Section 6903)	9,540
(c) For educationally handicapped minors (as defined by Section 6750)	13,680
(d) For physically handicapped minors (as defined by Section 6801)	12,215

(2) Insofar as practicable, the attendance in each school district of the particular categories of minors enumerated in subdivision (1) shall be concentrated in a minimum number

of such classes. For any special day class for educationally handicapped minors or physically handicapped minors in which are enrolled fewer than one-half of the number of pupils prescribed by the State Board of Education as the appropriate class size for the particular category of minors involved, there shall be allowed to the district, in lieu of the allowance specified in subdivision (1), an amount of one thousand one hundred forty dollars ($1,140) per pupil in average daily attendance in each such class for educationally handicapped minors in the current fiscal year, and one thousand eighteen dollars ($1,018) per pupil in average daily attendance in each such class for physically handicapped minors in the current fiscal year.

For any special day class for mentally retarded minors (as defined by Section 6902) or mentally retarded minors (as defined by Section 6903) in which are enrolled fewer than one-half of the number of pupils prescribed by the State Board of Education as the appropriate class size for the particular category of minors involved, there shall be allowed to the district, in lieu of the allowance specified in subdivision (1), an amount of four hundred thirty-five dollars ($435) per pupil in average daily attendance in each such class for mentally retarded minors (as defined by Section 6902) in the current fiscal year, and seven hundred ninety-five dollars ($795) per pupil in average daily attendance in each such class for mentally retarded minors (as defined by Section 6903) in the current fiscal year.

(3) In addition to the allowances provided under subdivisions (1) and (2), the following amounts per pupil in average daily attendance in the current fiscal year shall be allowed to each school district and county superintendent of schools:

(a) For instruction of educationally handicapped minors in learning disability groups, one thousand eight hundred eighty dollars ($1,880).

(b) For instruction of educationally handicapped minors in homes or in hospitals, one thousand five hundred ninety dollars ($1,590).

(c) For instruction of physically handicapped minors in remedial physical education, seven hundred seventy-five dollars ($775).

(d) For remedial instruction of physically handicapped minors in other than physical education, two thousand dollars ($2,000).

(e) For instruction of blind pupils when a reader has actually been provided to assist the pupil with his studies, or when braille books are purchased, ink print materials are transcribed into braille, or sound recordings and other special supplies and equipment are purchased for blind pupils, nine hundred ten dollars ($910).

(f) For other individual instruction of physically handicapped minors, one thousand three hundred dollars ($1,300).

(4) The allowances provided under subdivisions (1), (2), and (3), may be increased proportionately on account of special day classes convened, or other instruction provided a pupil, for days in a school year which are in excess of the number of days in the school year on which the regular day schools of a district are convened.

(b) The Superintendent of Public Instruction shall compute for each applicant school district and county superintendent of schools in providing in such year a program of specialized consultation to teachers, counselors and supervisors for educationally handicapped minors who come within the provisions of subdivision (c) of Section 6751, an amount equal to the product of the average daily attendance of pupils enrolled in such programs in subdivision (a) of this section and ten dollars ($10).

18103. The provisions of this article shall supersede any other provisions of this code in conflict therewith. Allowances under this article shall be provided pursuant to regulations of the State Board of Education and standards and requirements established by the State Board of Education.

SEC. 23. Section 20751.1 is added to the Education Code, to read:

20751.1. On and after July 1, 1971, the maximum tax rates prescribed by Section 20751 and any other applicable provisions of this code shall have no force or effect and shall be inoperative with respect to any school district. It is the intent and purpose of the Legislature that school district governing boards have prime and direct responsibility for the development of budget and expenditure programs, together with full authority to fix tax rates which they deem necessary to support the educational programs of the district.

SEC. 24. Section 7771.1 of the Education Code is amended to read:

7771.1. During the 1966–67 school year, and thereafter, if a school district is unable to participate fully in the reading program established under this chapter on a school or district basis because of its inability to employ enough specialist teachers to fully meet the basic quota of certificated employees to be appointed specialist teachers as provided in Sections 7790 and 7791, the governing board of the district may request approval of the State Superintendent of Public Instruction for participation in the program on a reduced basis. Such approval may be granted by the State Superintendent of Public Instruction if he determines that:

(a) In districts having more than one school, all reasonable efforts are made to concentrate available teachers in the school or schools of the district where the need for the program is the greatest so that such schools may benefit from full participation in the program so far as possible.

(b) For the 1966–67 school year, the applicant district or school employs at least 30 percent of the basic quota of certifi-

cated employees to be appointed specialist teachers as computed under the provisions of Sections 7790 and 7791.

(c) For the 1967–68 school year, and thereafter, the applicant district or school employs at least 30 percent of the basic quota of certificated employees to be appointed specialist teachers as computed under the provisions of Section 7790 and 7791.

SEC. 25. Section 7790 of the Education Code is amended to read:

7790. Beginning with the fiscal year 1967–68, each school district which is eligible for state equalization aid, and which maintains grades 1, 2, and 3 at the elementary level shall compute a basic quota of certificated employees to be appointed specialist teachers, of one such employee for each 125 units of average daily attendance in grades 1, 2, and 3 and any additional fraction thereof; provided that:

(a) With respect to districts maintaining more than one school, each of which has an average daily attendance in grades 1, 2, and 3 of less than 50, the quota shall be one such employee for each 100 units of the average daily attendance in grades 1, 2, and 3 in those schools.

(b) With respect to all school districts in a county with an average daily attendance in grades 1, 2, and 3 of less than 50, the quota shall be one specialist teacher for each 100 units of average daily attendance in grades 1, 2, and 3 in those districts.

SEC. 26. Section 7807.1 is added to the Education Code, to read:

7807.1. During the 1967–68 school year, and thereafter, if the Superintendent of Public Instruction determines that the state appropriation for allowances pursuant to this article is insufficient to finance the total number of school district applications for specialist reading teachers according to the basic quota of Section 7790, he shall reduce the basic quota of specialist reading teachers for school districts to enable maximum school district participation in the program. In implementing this section the Superintendent of Public Instruction shall attempt to insure that the quotas of districts already participating in the program are not reduced below the level of the preceding fiscal year. In no case shall the reduced quota of specialized reading teachers for a school district be reduced below 30 percent of the district's basic quota.

SEC. 27. Section 7808 of the Education Code is amended to read:

7808. The Superintendent of Public Instruction shall allow to each district eligible to receive an allowance under this article an amount equal to the total of salaries to be paid specialist teachers employed by the district computed according to Section 7808.1 and the amounts computed as salary allotments for professional school librarians.

SEC. 28. Section 7808.1 is added to the Education Code, to read:

7808.1. The allowance for salaries of specialist reading teachers to each district shall be computed by multiplying the number of specialist reading teachers employed by such district by an amount equivalent to the statewide average salary, as determined by the Superintendent of Public Instruction, paid elementary teachers during the preceding fiscal year plus a sum of two hundred fifty dollars ($250) per teacher. The salary allowance so computed shall not be more than the actual salary paid by the district for the services of the specialist reading teacher.

SEC. 29. Section 7825 of the Education Code is amended to read:

7825. A salary allotment for a professional school librarian shall be computed by the Superintendent of Public Instruction whenever he determines with respect to any district that:

1. The district has employed one-third of its basic quota of specialist reading teachers, and

2. A librarian holding a credential authorizing service as a librarian pursuant to Sections 13289 and 13290 is employed full time in a school or schools in which one or more specialist reading teachers are employed.

The salary allotment for the professional school librarian shall be five hundred dollars ($500) multiplied by the number of specialist teachers in reading employed full time in the school. The maximum allotment so authorized for a school district shall not exceed the total cost of salaries of librarians who come within the provisions of this section.

SEC. 30. Chapter 2.6 (commencing with Section 7828) is added to Division 7 of the Education Code, to read:

CHAPTER 2.6. MATHEMATICS IMPROVEMENT PROGRAMS

Article 1. General Provisions

7828. It is the intent of the Legislature that the provisions of this chapter shall be administered to provide funds and services first to those school districts, and to particular schools within school districts, for which the most comprehensive plans have been developed to evaluate the effectiveness of the programs authorized by this chapter, and secondly to those school districts in which the need for mathematics instruction is greatest and the financial ability of the districts to provide it is least.

7828.1. The programs provided for by this chapter shall be afforded for pupils in grades 2 and 3, and 5 and 6, at the elementary level, and in grades 8 to 12, inclusive, at the secondary level. The programs shall be administered under the direction of the Superintendent of Public Instruction and pursuant to rules and regulations of the State Board of Education which may be adopted to implement the provisions of this chapter. The rules and regulations of the State Board of Edu-

cation shall prescribe minimum standards and criteria for all programs, and shall provide for the submission of periodic reports by all school districts participating in programs.

The programs authorized by this chapter may be consolidated or conducted in conjunction with other mathematics programs being conducted in the public schools, if the Superintendent of Public Instruction determines that evaluation of the programs authorized by this chapter is not rendered impracticable.

7828.2. In addition to any tests otherwise required to be administered to pupils by this chapter, the State Board of Education shall select achievement tests to be administered to pupils who are participating in programs authorized by this chapter. The selection of such tests shall be with the advice of the Statewide Mathematics Advisory Committee, and shall be designed to measure the degree to which mathematics programs in the public schools are meeting the objectives of the revised outline of mathematics curriculum developed by the Statewide Mathematics Advisory Committee.

7828.3. The State Board of Education, on the advice of the Statewide Mathematics Advisory Committee, shall develop an achievement test in mathematics for grades 3, 6, and 8. The test shall measure the degree to which mathematics programs in the public schools meet the objectives of the revised outline of the mathematics curriculum developed by the Statewide Mathematics Advisory Committee.

7828.4. The State Board of Education shall, on or before the 30th legislative day of the 1968, 1969, 1970, and 1971 Regular Sessions of the Legislature, report to the Legislature concerning the progress and the extent of the participation in the programs established pursuant to this chapter in school districts in the state. Such reports shall provide an evaluation of the effectiveness of the programs, as ascertained to the respective dates of the reports.

Article 2 Experimental Programs

7828.11. The experimental programs prescribed by this article shall, when established, be conducted as pilot programs during the fiscal years 1968–1969, 1969–1970, and 1970–1971, except the accelerated instructional program in mathematics, which shall extend for five consecutive years, through 1972–1973.

7828.12. The governing board of a school district maintaining elementary schools may establish a specialized teacher program in mathematics. The program shall be established for grades 2 and 5 during the fiscal year 1968–1969, and may be expanded in the fiscal years 1969–1970 and 1970–1971 to include, also, grades 3 and 6. To the maximum extent practicable, the programs established in grades 3 and 6 shall include pupils who participated in programs established in grades 2 and 5.

7828.13. The specialized teacher program in mathematics shall entail the designation of specialized mathematics teachers to provide instruction in mathematics. The teachers designated for such purposes shall be teachers with special interest in the teaching of mathematics, without regard to training for, or experience in, teaching mathematics. The teachers shall provide instruction in each schoolday in mathematics in the classes to which they are regularly assigned to teach, or in one or more other classes by exchange of teaching assignments with other teachers.

7828.14. At least one-half of the persons designated specialized mathematics teachers within a school district shall, during the summer months preceding each academic year in which they are to perform duties as such, participate in and complete an in-service training program.

7828.15. The State Board of Education shall select particular school districts which are to establish specialized teacher programs in mathematics. The selections shall be made on the basis of applications submitted by the governing boards of school districts, and the recommendations of the Superintendent of Public Instruction and the Statewide Mathematics Advisory Committee. The board shall prescribe the standards by which specialized teachers in mathematics shall be designated, and provide for the state-level approval of all such designations.

7828.16. The State Board of Education shall establish regional in-service training programs for specialized teachers in mathematics, to be conducted in each of the fiscal years 1968–1969, 1969–1970, and 1970–1971. The programs shall be conducted in the summer months in each of the fiscal years at centralized locations in the state. Instruction and training shall be provided by experts in mathematics from public and private institutions of higher education and from other fields of endeavor, as determined by the board.

The governing board of each school district which has applied to establish a specialized teacher program in mathematics may nominate to the State Board of Education teachers employed by the district for participation in regional in-service training programs.

The location of centers where the in-service training is to be provided, and the form and content of the instruction and training afforded, shall be determined by the State Board of Education upon recommendation of the Superintendent of Public Instruction and the Statewide Mathematics Advisory Committee.

7828.17. The State Board of Education shall direct the testing of pupils for purposes of evaluating the effectiveness of the specialized teacher programs in mathematics in the several school districts in which the same are established, and shall designate and provide the tests to be administered to pupils.

7828.18. The governing board of a school district maintaining elementary schools may establish a mathematics specialist program. The program shall be established for grades 2 and 5 in the fiscal year 1968–1969, and may be expanded in the fiscal year 1969–1970 to include, also, grades 3 and 6. To the maximum extent practicable, the programs established in grades 3 and 6 shall include pupils who participated in programs established for grades 2 and 5.

7828.19. The mathematics specialist program shall entail the designation of mathematics specialists to provide instruction in mathematics. The specialists designated for such purposes shall have an educational background of at least a collegiate minor in mathematics or the equivalent thereof. For purposes of the designation of mathematics specialists teachers and their performance of duties under this article, any requirements prescribed or pursuant to law in terms of educational qualifications or background which would limit or bar the designation or the performance of the services shall be deemed inapplicable.

7828.20. The mathematics specialist shall supplement the work of regular classroom teachers, and shall teach concepts underlying mathematical techniques, with the pupils' regular classroom teachers continuing to provide instruction in arithmetic and remaining responsible for the pupils' acquisition of mathematical skills. No less than 15 regular class hours per week shall be devoted by each mathematics specialist to the instruction of pupils, and not to exceed five regular class hours per week shall be devoted by each such specialist to in-service training of regular teachers. Mathematics specialists shall be required, at least once each school week, to meet for group discussion and evaluation of the mathematics specialist programs.

7828.21. Each individual class in the grades participating in the mathematics specialist program shall, in each school week, receive instruction from a mathematics specialist teacher for no less than four class hours.

7828.22. The State Board of Education shall select school districts which apply to establish mathematics specialist programs. The selections shall be made on the basis of applications submitted by the governing board of the school district, and the recommendations of the Superintendent of Public Instruction and the Statewide Mathematics Advisory Committee. The State Board of Education shall prescribe the standards by which mathematics specialists shall be designated, and shall approve all such designations.

7828.24. The governing board of a school district maintaining high schools may establish an accelerated instructional program in mathematics. The program shall extend for five consecutive fiscal years commencing with the fiscal year 1968–1969. The instruction involved shall be provided for pupils in grades 8 through 12, inclusive, with demonstrated aptitude and talent for mathematics. The program shall consist of all areas of mathematics including the basic principles and operations

of calculus. Each program within a district shall be established and maintained with the active participation, cooperation, and counsel of a public or private university or college. Evaluation of the program's effectiveness shall be by joint action of the district and the college or university.

7828.25. The State Board of Education shall select particular school districts to participate in accelerated instructional programs in mathematics. Such selection shall be made on the basis of applications submitted by the districts. An application shall include a plan showing in detail the elements and objectives of the program, the procedures and means to be used by the district in identifying pupils with aptitude and talent for mathematics, and the procedures and means to be used to evaluate the program's effectiveness, and shall outline the form and extent of the present and proposed participation in the program by a college and university.

7828.26. For purposes of providing instruction in an accelerated instructional program in mathematics, the governing board of each school district shall, to the extent practicable, employ teachers specially qualified as teachers in mathematics, particularly during the final two years of the five-year program. All teachers employed for purposes of the program shall have an educational background including at least a higher education major in mathematics, or its equivalent, and shall meet other standards and requirements which may be established by the State Board of Education.

7828.27. The State Board of Education shall direct the testing of pupils for purposes of evaluating accelerated instructional programs in mathematics in the several school districts in which they are established. The Statewide Mathematics Advisory Committee and the Statewide Advisory Committee on Advanced Placement shall assist the State Board of Education in the selection of appropriate tests.

Article 3. Financing of Programs

7828.41. The tests selected by the State Board of Education for purposes of the specialized teacher program in mathematics shall be provided and distributed by the Superintendent of Public Instruction free of charge, as needed, to school districts participating in the program.

7828.42. Beginning with the 1968–1969 fiscal year and each fiscal year thereafter, a school district which maintains elementary grades and participates in the mathematics specialist program may apply for an allowance for the employment of mathematics specialist teachers. Application shall be made in accordance with rules and regulations adopted by the Superintendent of Public Instruction on forms that he shall furnish. No allowance for a mathematics specialist program shall be made to a school district unless the Superintendent of Public Instruction approves the district application and certifies that

standards, requirements and criteria of the State Board of Education are met by the district.

7828.43. Allowances for the mathematics specialist program shall be made by the Superintendent of Public Instruction from funds appropriated therefor by the Legislature. The allowances shall be made as early as practicable in the fiscal year.

7828.44. Allowances for the mathematics specialist program shall be made by the Superintendent of Public Instruction in accordance with a system of priorities that he shall by rule and regulation adopt, designed to carry out the intent and purpose of the Legislature stated in Section 7828. As a basis for such system of priorities, the Superintendent of Public Instruction, upon receipt of all applications for a fiscal year, shall determine and use the relative financial ability of each applicant district as measured by the assessed valuation per unit of average daily attendance in the district. The Superintendent of Public Instruction may use additional factors as a basis for a system of priorities as long as such factors are not in conflict with the intent and purpose of the Legislature.

The Superintendent of Public Instruction shall make no allowances in any year in excess of the amount appropriated by the Legislature for the purposes of this chapter.

7828.45 The Superintendent of Public Instruction shall allow to each district eligible to receive an allowance for the mathematics specialist program an amount equal to the total of salaries to be paid mathematics specialists employed by the district, diminished by the product of the ratio which the assessed valuation per unit of average daily attendance during the preceding fiscal year in kindergarten and grades 1 through 8, inclusive, in the district bears to the assessed valuation per unit of such average daily attendance in the state and one-half of the total of salaries to be paid mathematics specialists employed in the district.

7828.46. From funds appropriated therefor by the Legislature, the Superintendent of Public Instruction shall pay the costs of the regional in-service training programs for specialized teachers in mathematics including the salaries of persons employed to provide instruction and training. From such funds teachers in attendance shall be reimbursed for living and traveling expenses necessarily incurred for such purposes, and shall be paid a nominal stipend

7828.47. From funds which may be appropriated therefor, the Superintendent of Public Instruction shall reimburse school districts for the expenses incurred, pursuant to contractual arrangement in securing the participating and cooperation of colleges and universities in providing the accelerated instructional program in mathematics in grades 8 to 12, inclusive.

7828.48. The State Board of Education and the Superintendent of Public Instruction shall take all necessary actions and steps to ensure that all federal funds which may be made

available for any of the experimental pilot programs provided for under Article 2 (commencing with Section 7828.11) of this chapter shall be received and utilized for such purposes.

7828.49. All disbursements of state funds under this article shall be made by warrants drawn by the State Controller upon order of the Superintendent of Public Instruction.

SEC. 31. Section 13162 of the Education Code is amended to read:

13162. Each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to teachers whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential or permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate or permit. Such certificate or permit shall be valid for not more than 90 schooldays and only until the credential or permit originally requested is either issued or denied by the State Board of Education.

SEC. 32. Section 13162 of the Education Code is amended to read:

13162. Each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to teachers whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential or permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate or permit. Such certificate or permit shall be valid for not more than 90 schooldays, or 120 schooldays in a district with an average daily attendance in excess of 400,000 or in a junior college district which has a common governing board with a unified district with an average daily attendance in excess of 400,000, and in either case only until the credential or permit originally requested is either issued or denied by the State Board of Education.

SEC. 33. The heading of Article 1 (commencing with Section 16601) of Chapter 5 of Division 12 of the Education Code is amended to read:

Article 1. Children's Centers

SEC. 34. Section 16601.5 of the Education Code is amended to read:

16601.5 The facilities used for any children's center established pursuant to this chapter may be made available for preschool training for children eligible for such training under

any federal program, or under any program of preschool training established by the laws of this state.

SEC. 35. Section 16603 of the Education Code is amended to read:

16603. The need of a parent and child for service in a children's center shall be determined upon the following conditions:

(a) That there is but one parent in the home and such parent supports and cares for the child, or the parent is physically or mentally unable to either support the family or care for the child, or there is but one parent in the home who requires education or training to qualify for entrance upon employment that will make the family economically self-sufficient, or

(b) That there are two parents in the home, each of whom is either working or is physically or mentally unable to either support the family or care for the child, or

(c) That a child is in need of a preschool educational program before entrance to kindergarten because of disadvantage arising from home and community environmental conditions.

(d) That either parent is attending school or receiving instruction, and the other parent, if any, is gainfully employed, or

(e) That the services of the parent having care of the child are necessary as a qualified and acceptable teacher in a public school or as a qualified and acceptable supervisor to serve in the supervision and instruction of children in a children's center or a supervisor of a children's program, as shall be evidenced by a statement from the employing authority of the public school to the governing body of the children's center, or

(f) That the services of the parent having care of the child are necessary as a registered nurse, as shall be evidenced by a statement from the responsible employer to the governing body of the children's center, or

(g) That the services of the parent having care of the child are necessary as a worker in industry essential to the mobilization effort, as shall be evidenced by a statement from the employer in such industry as shall have been designated as essential to the mobilization effort by the Director of Employment, or

(h) That the services of the parent having care of the child are necessary to meet an emergency arising from the necessity of harvesting or processing crops, or as an agricultural worker, or

(i) That the parent or parents having care of the child are attending school or receiving instruction under the state vocational rehabilitation program or under the Manpower Development and Training Act or under other programs authorized for a parent or parents in families qualifying for aid to families with dependent children, as shall be evidenced by a statement from any one of such agencies, or that one

parent in a two-parent family is attending school or receiving instruction under any one of such programs, and the other parent is employed or mentally or physically incapacitated.

The need of a parent to utilize a children's center who comes within subdivision (a), (b) or (c) of this section or is receiving or is likely to receive public assistance shall take precedence over the need for children of a parent, or parents, and child who come within subdivisions (d) to (i), inclusive, of this section.

SEC. 36. Section 16604 of the Education Code is amended to read:

16604. Except as provided in Section 16605, no child shall be admitted to a children's center if the total monthly income from all sources of the child's immediate family:

(a) Where both parents are working, exceeds six hundred forty-eight dollars ($648) if there is one child in the family, and an additional eighty-four dollars ($84) for each additional child.

(b) Where but one parent, who has both custody and care of the child, is the sole wage earner of the child's immediate family, exceeds four hundred sixty-three dollars ($463) if there is one child in the family, and an additional eighty-four dollars ($84) for each additional child.

Except as provided in Section 16605 the maximum "total monthly income" figure in either case may be exceeded in any month or months of the year if in the opinion of the board the total income from all sources, of the child's immediate family for the calendar year divided by 12 will not exceed such maximum. In computing the maximum "total monthly income" of self-employed persons the gross income of such persons may be reduced by the legitimate business expenses incident to the self-employment. In estimating earnings of any member of the child's immediate family the computation of weekly wages shall be on the basis of wages based on a five-day week if the employer of such person certifies to said governing board that the workweek of such person is five days or more.

SEC. 37. Section 16605 of the Education Code is amended to read:

16605. If either parent comes within subdivision (d) of Section 16603 and is attending school or receiving instruction for not less than half time, or if the parent or if either parent comes within subdivision (a), (e), (f), (g), (h), or (i) of Section 16603, and if the income from all sources of the child's immediate family exceeds that fixed by Section 16604, but is not greater than three times the amount fixed by Section 16604, a child of such parent may be admitted to a children's center but the governing board of the school district maintaining the children's center shall, notwithstanding anything in Section 16614 to the contrary, charge and collect from the person having custody of the child, except a parent coming within (a) of Section 16603, a weekly fee which shall be in

such amount as will reimburse the district for the cost of supervision instruction, and the cost of all food furnished such child. The governing board shall charge a parent coming within (a) of Section 16603 the fee required for the applicable maximum income as provided in Section 16604, plus, for each six dollars and sixty cents ($6.60) of an additional sixty-six dollars ($66) of income, one-sixth of the difference between that fee and the amount which will reimburse the district for the cost of supervision, instruction, and all food furnished the child.

As applied to the families of men on active duty with the United States armed forces, only that portion of the pay of enlisted personnel shall be included in the "total monthly income" which is the amount which is accounted for as "base pay."

SEC. 38. Section 16615 of the Education Code is amended to read:

16615. It is hereby declared to be the policy of the Legislature that, on a statewide average, of the total amount of the cost for the maintenance and operation of children's centers paid for by state funds apportioned to the districts and fees collected from parents, three-fourths of such total cost shall be paid from such state funds and one-fourth from such fees. Funds derived from district taxes levied under this chapter (commencing with Section 16601) may be expended in addition to parent fees and state funds, and shall not operate to affect the operation of either the fee schedule or the formula for apportioning state funds provided for in this chapter (commencing with Section 16601).

SEC. 39. Section 16618 of the Education Code is amended to read:

16618. The statewide average state support per hour per child shall be forty-two cents ($0.42).

(a) For purposes of this article (commencing with Section 16601) the Superintendent of Public Instruction shall apportion state funds to the districts using forty-two cents ($0.42) per hour per child. If the fees collected by any district shall for any month be less or more than fourteen cents ($0.14) per hour per child, the amount of the apportionment shall be increased or decreased in an amount equal to the amount by which the fees collected are less or more, respectively, than fourteen cents ($0.14) per hour per child.

(b) For development centers for handicapped minors, the Superintendent of Public Instruction shall apportion state funds as provided in Section 16645.11.

SEC. 40. Section 16620 of the Education Code is amended to read:

16620. Hours of attendance of children of, and fees collected from, parents required by this chapter (commencing with Section 16601) to pay the full cost of supervision, instruction, and all food of a child in a children's center shall not be used in computing amounts under Section 16618.

SEC. 41. Section 32 of this act shall become operative only if the amendment to Section 13162 of the Education Code as proposed by Assembly Bill No. 2417 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 2417 takes effect; at which time Section 13162 of the Education Code as amended by Section 31 of this act is repealed.

SEC. 42. Section 5251 of the Education Code is amended to read:

5251. The governing board of any school district that maintains one or more elementary schools shall establish and maintain such number of kindergartens as are necessary for children living in the district who are eligible for admission pursuant to Section 5254 but are not eligible for admission pursuant to Section 5301 and whose parents or guardians present them for admission.

SEC. 43. Section 5251.1 of the Education Code is repealed.

SEC. 44. Section 5252 of the Education Code is repealed.

SEC. 45. Section 5252 is added to the Education Code, to read:

5252. The kindergarten and the first grade may be combined in one class if the total class enrollment does not exceed the enrollment fixed by Section 17507 as permissible for grade 1 without reduction of average daily attendance. The attendance of the children enrolled in the kindergarten in such a class shall be counted as attendance upon a kindergarten.

SEC. 46. Section 5253 of the Education Code is repealed.

SEC. 47. Section 5256 of the Education Code is repealed.

SEC. 48. Section 5258 of the Education Code is amended to read:

5258. The governing board may conduct the kindergarten in the same room with and by the same teacher conducting one or more elementary grades maintained by the district. The minimum schoolday for pupils of a kindergarten which is so conducted is 150 minutes, inclusive of recesses, and the attendance of the children enrolled in the kindergarten shall be counted as attendance upon a kindergarten. The minimum schooldays for pupils of the other grades so conducted are those specified in Sections 11005 and 11006, exclusive of noon intermissions and recesses, and the attendance of the children enrolled in such other grades shall be counted as attendance upon those grades.

No teacher shall teach more than one such class in any single schoolday.

SEC. 49. Section 5259 of the Education Code is repealed.

SEC. 50. Section 5260 of the Education Code is repealed.

SEC. 51. Section 10501 of the Education Code is amended to read:

10501. All children living in a school district who qualify under Section 5254 shall be admitted to kindergarten.

SEC. 52. Section 10502 of the Education Code is repealed.

SEC. 53. Section 10503 of the Education Code is amended to read:

10503. The principal in each of the public schools maintaining a kindergarten shall keep a register, open to the inspection of the public, of all children in kindergarten.

SEC. 54. Section 10810 of the Education Code is amended to read:

10810. The governing board of a school district maintaining one or more elementary schools may admit to the kindergartens maintained by the district children eligible for admission to kindergarten classes who live in another district whenever an agreement is entered into between the governing board of each of such districts stipulating the terms upon which the interdistrict attendance shall be permitted.

SEC. 55. Section 11003 of the Education Code is amended to read:

11003. The minimum schoolday for pupils of kindergartens, and for mentally retarded minors in special training schools or classes prescribed in Section 6903, is 180 minutes inclusive of recesses except that if a school district maintains two such classes on the same day which are taught by the same teacher, the minimum schoolday for each of such classes shall be 150 minutes inclusive of recesses.

SEC. 56. Section 11301 of the Education Code is amended to read:

11301. The units of average daily attendance in the elementary schools of a district for a fiscal year shall be computed by dividing the total number of days of pupils attendance in all kindergarten and elementary schools and classes of the district during the fiscal year by the number of days school was actually taught in the regular day elementary schools of the district during the fiscal year, plus the units of average daily attendance credited to the district on account of the education of seventh and eighth grade pupils in a junior high school pursuant to Section 11404.

For the purposes of this article, a day of kindergarten attendance is based on the 180-minute minimum day, and shall be adjusted to 180 when the minimum day is less than 180 minutes as authorized by Section 11003.

Notwithstanding any provision to the contrary, the average daily attendance of pupils in a kindergarten shall be adjusted by a multiplication factor of 1.5 under both of the following conditions:

(a) The kindergarten day in the districts is a minimum of 180 minutes.

(b) The kindergarten teacher is assigned to only one session of kindergarten daily.

SEC. 57. Section 20752 of the Education Code is amended to read:

20752. The maximum rate of school district tax which may be levied for all school purposes, exclusive of bond interest and

redemption, for any elementary school district or unified school district, which has entered into an agreement under Section 10805 for the education of children living therein and eligible for admission to kindergarten classes, shall be for any school year in which tuition is required to be paid another district under such agreement, increased by such amount as will produce the sum required to pay such tuition, but the maximum rate of school district tax as increased shall not exceed the maximum rate of school district tax which would be fixed by Section 20751 for such district.

SEC. 58. There is hereby appropriated from the General Fund to the Department of Education for the 1967–68 fiscal year, the sum of fourteen million eight hundred sixty-three thousand dollars ($14,863,000). The amount so appropriated shall be allocated and expended for the following purposes:

(a) The sum of ten million dollars ($10,000,000) for the purposes of Chapter 2.3 (commencing with Section 7700) of Division 7 of the Education Code.

(b) The sum of four million six hundred thirteen thousand dollars ($4,613,000) for the purposes of Article 1 (commencing with Section 16601) of Chapter 5 of Division 12 of the Education Code. Of the amount allocated under this subdivision, the Department of Education is hereby authorized to apportion not to exceed one hundred thousand dollars ($100,000) to school districts or county superintendents of schools establishing new children's centers for the first year of operation only upon the demonstrated need for supplemental support for preoperational costs, including, but not limited to, preoperational salaries, leasing or innovation of facilities, and purchase of equipment and supplies.

(c) The sum of two hundred fifty thousand dollars ($250,000) for the purposes of Chapter 2.6 (commencing with Section 7828) of Division 7 of the Education Code, to be allocated and expended in the following manner:

(1) Fifty thousand dollars ($50,000) for the expenses incurred by the Department of Education in preparation, planning, and administrative operations involved in providing for the establishment, commencing in the fiscal year 1968–69, of the pilot programs in mathematics improvement authorized by Section 1 of this act.

(2) One hundred thousand dollars ($100,000) for the development of tests to be administered to pupils participating in the pilot programs.

(3) One hundred thousand dollars ($100,000) for the initial operational expenses of the in-service training programs for specialized mathematics teachers.

SEC. 59. Section 6051 of the Revenue and Taxation Code, as amended by Section 2 of Chapter 963 of the Statutes of the 1967 Regular Session of the Legislature, is amended to read:

6051. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the

rate of 2½ percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this state on or after August 1, 1933, and to and including June 30, 1935, and at the rate of 3 percent thereafter, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent on and after August 1, 1967, and to and including June 30, 1968, and at the rate of 3½ percent thereafter.

SEC. 60. Section 6052.5 of the Revenue and Taxation Code, as amended by Section 4 of Chapter 963 of the Statutes of the 1967 Regular Session of the Legislature, is amended to read:

6052.5. The board shall prepare sales tax reimbursement schedules showing the total amount that may be collected by the retailer from a consumer in reimbursement of the sales tax, computed on each sales price, from one cent ($0.01) to and including one hundred dollars ($100), at the 4-percent rate and at the 5-percent rate for the period between August 1, 1967, and June 30, 1968, and thereafter at the 3½-percent rate and at the 4½-percent rate. The schedules shall be identical with the following tables up to the amounts specified therein:

4 percent		5 percent	
Price	Tax	Price	Tax
.01–.12	.00	.01– .10	.00
.13–.34	.01	.11– .27	.01
.35–.59	.02	.28– .47	.02
.60–.87	.03	.48– .68	.03
		.69– .89	.04
		.90–1.09	.05

3½ percent		4½ percent	
Price	Tax	Price	Tax
.01– .13	.00	.01– .12	.00
.14– .40	.01	.13– .30	.01
.41– .68	.02	.31– .51	.02
.69– .99	.03	.52– .77	.03
1.00–1.28	.04	.78– .99	.04
		1.00–1.22	.05

The remainder of the schedules shall show amounts of reimbursement computed by applying the applicable tax rate to the sales price, rounded off to the nearest cent by eliminating any fraction less than one-half cent and increasing any fraction of one-half cent or over to the next higher cent.

The "sales tax reimbursement schedule" shall be available for inspection and duplication or reproduction.

Each retailer who collects amounts from a consumer in reimbursement of the sales tax shall use the appropriate schedule prepared by the board in computing the amount of the

reimbursement, based upon the sales price of the item sold where one item is sold, and where more than one item is sold in any one transaction, upon the sum of the aggregate sales prices of the items sold, or he shall include in the sales price of each item an amount of reimbursement computed to the nearest mill at the applicable tax rate and post a notice in his premises stating that each posted or advertised price includes reimbursement so computed. When both taxable and nontaxable items are included in the same transaction, the foregoing requirement regarding computation of tax reimbursement upon the sum of the aggregate sales prices shall apply only if the purchaser requests at the time of the sale that the computation be made in this way.

The board shall enforce the provisions of this section.

SEC. 61. Section 6201 of the Revenue and Taxation Code, as amended by Section 6 of Chapter 963 of the Statutes of the 1967 Regular Session of the Legislature, is amended to read:

6201. An excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property purchased from any retailer on or after July 1, 1935, for storage, use, or other consumption in this state at the rate of 3 percent of the sales price of the property, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent on and after July 1, 1949, and to and including July 31, 1967, and at the rate of 4 percent on and after August 1, 1967, and to and including June 30, 1968, and at the rate of 3½ percent thereafter.

SEC. 62. Section 149 of Chapter 963 of the Statutes of the 1967 Regular Session of the Legislature is repealed.

SEC. 63. In addition to the revenue to be transferred to the Property Tax Relief Fund pursuant to Section 152 of Chapter 963 of the Statutes of the 1967 Regular Session of the Legislature, the Controller shall transfer to such fund the sum of twelve million nine hundred sixteen thousand six hundred sixty-six dollars ($12,916,666) in July 1968, and in each calendar month thereafter to be used, when appropriated by the Legislature, for property tax relief as determined by the Legislature at its 1968 Regular Session.

SEC. 64. Sections 59, 60 and 61 of this act shall become operative only if the Legislature fails to appropriate on or before June 15, 1968, an amount at least equal to the amount directed to be transferred during the 1968–69 fiscal year to the Property Tax Relief Fund pursuant to Section 63 of this act to provide property tax relief during the 1968–69 fiscal year, and in such case, Sections 59, 60 and 61 of this act shall become operative at 12:01 o'clock a.m. on July 1, 1968; at which time Sections 6051, 6052.5 and 6201 of the Revenue and Taxation Code, as amended by Sections 1, 3 and 5 of Chapter 963 of the 1967 Regular Session of the Legislature and Section 63 of this act, shall be repealed.

SEC. 65. This act shall be deemed operative for the entire 1967–1968 fiscal year as though the same had been enacted into law and become operative on July 1, 1967. The Superintendent of Public Instruction shall, for such purposes, have authority to take all necessary steps to effect the mid-fiscal year transition involved, including the authority to adjust allowance computations, apportionments, and disbursements ordered from the State School Fund.

SEC. 66. The provisions of this act shall not be construed as impairing or otherwise affecting the validity of any school district budget proceedings undertaken pursuant to Division 16 (commencing with Section 20501) of the Education Code for the fiscal year 1967–1968. Notwithstanding the provisions of Sections 20951 and 21001, and any other provisions of the Education Code to the contrary, the governing board of any school district may budget and use any unbudgeted apportionments from the State School Fund provided during the 1967–68 fiscal year pursuant to the provisions of this act without repetition of any publication or other budgeting procedures which would otherwise be required.

SEC. 67. Section 8 of Chapter 168 of the Statutes of 1966 (First Extraordinary Session) is repealed.

SEC. 68. The amendments to Section 6426 of the Education Code affected by this act shall be operative only for the 1967–1968 fiscal year.

SEC. 69. 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 such necessity are:

In order that urgently needed program of financial support for the public schools provided for by this act may be put into effect as early as possible in the 1967–1968 school year, it is necessary that this act take effect immediately.

CHAPTER 1210

An act to add Sections 28050.5 and 28051 to the Vehicle Code, relating to odometers.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 28050.5 is added to the Vehicle Code, to read:

28050.5. It is unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

SEC. 2. Section 28051 is added to the Vehicle Code, to read:

28051. It is unlawful for any person to disconnect, turn back, or reset the odometer of any motor vehicle with the intent to reduce the number of miles indicated on the odometer gauge.

CHAPTER 1211

An act to add Section 13152 to, and to amend Section 13151 of, the Education Code, relating to public school employment.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 13151 of the Education Code is amended to read:

13151. The State Board of Education may issue credentials restricting the service authorized by such credentials to service in the schools or classes specified on the credential.

The State Board of Education shall issue credentials restricting the service authorized by such credentials to service as a teacher in special schools or classes of mentally retarded minors coming within Education Code Section 6903. The standards for such credentials are a baccalaureate degree or higher degree from an institution approved by the State Board of Education and such specialized and professional preparation as the State Board of Education may require. The State Board of Education shall not require applicants for the credential to complete a major or a minor in an academic subject matter area.

SEC. 2. Section 13152 is added to the Education Code, to read:

13152. The State Board of Education shall issue credentials restricting the service authorized by such credentials to service on all grade levels in one of the following areas of specialization:

(1) Service as a speech and hearing specialist.

(2) Service as a teacher of handicapped children, other than minors coming within the provisions of Section 6903 of this code, in areas other than those involving speech and hearing handicaps.

The standards for such credentials are a baccalaureate degree or higher degree from an institution approved by the State Board of Education, a fifth year or its equivalent in college or university education to be completed within seven years of the first employment under this credential, and such specialized and professional preparation as the State Board of Education may require. A major or minor in an academic subject matter area shall not be required.

In adopting the necessary rules and regulations, the State Board of Education shall emphasize appropriate professional specialized preparation at both the undergraduate and post-baccalaureate level, and supervised participation as a speech and hearing specialist or student teacher of exceptional children or equivalent experience in the public schools or institutions or private schools or institutions of equivalent status.

CHAPTER 1212

An act to amend Sections 11704, 11705, and 11706 of the Education Code, relating to meals for needy pupils.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 11704 of the Education Code is amended to read:

11704. The governing board of any school district may provide, without charge or at a reduced price, breakfasts for pupils within the district who are needy. The governing board may provide, without charge or at a reduced price, lunches for pupils who are needy. The governing board of any school district may provide, without charge, lunches for any or all other pupils whether they are needy or not, provided that the governing board has so provided such lunches without charge to all pupils of the district during the 1962–1963 school year.

For purposes of this section and Sections 11705 to 11708, inclusive, a pupil who is "needy" is one who does not otherwise receive proper nourishment.

SEC. 2. Section 11705 of the Education Code is amended to read:

11705. The governing board of any school district may, for purposes of providing breakfasts or lunches, without charge or at a reduced price, under Section 11704, establish rules by which to determine which pupils are needy.

SEC. 3. Section 11706 of the Education Code is amended to read:

11706. For the purpose of providing funds with which to obtain breakfasts or lunches, or both, for needy pupils, the governing board of any school district may levy and collect a district tax over and above the maximum elsewhere specified in this code. These funds may also be used to finance the actual and necessary costs of determining the eligibility of pupils for free or reduced-price meals.

CHAPTER 1213

An act to add Section 15518 to the Education Code, relating to school buildings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 15518 is added to the Education Code, to read:

15518. The governing board of a school district may undertake corrective measures relating to earthquake safety recommended to the governing board pursuant to Section 15503 in connection with any school building under the jurisdiction of the governing board without compliance with the procedures otherwise prescribed by Section 15505.

The maximum rate of tax of any school district for any school year is hereby increased by such amount as will produce the amount necessary to effect the corrective structural repairs, reconstruction or replacement relating to earthquake safety recommended pursuant to Section 15503 as shown by the budget of the district for such school year, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from revenue from the increase in the rate of tax provided by this section.

The increase provided by this section and Section 15517 shall not exceed a total increase of ten cents ($0.10) for each one hundred dollars ($100) of the assessed valuation of property within the district in each fiscal year.

If at the end of any school year, there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for expenditures of the school district during that school year for purposes of this section.

This section shall remain in effect only until July 1, 1970, and thereafter shall be of no force or effect. This section shall remain in effect until such date regardless of the repeal or expiration of Section 15517.

Notwithstanding the provisions of this section, the governing board shall comply with the provisions of Section 15505 whenever such compliance is necessary to continue the program of corrective structural repairs, reconstruction, or replacement required pursuant to the provisions of this article.

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 such necessity are:

In order that the repair, reconstruction or replacement of unsafe school buildings may be commenced as soon as possible, it will be necessary that the forthcoming school budget proceedings include consideration thereof, and that the tax rates established for the forthcoming fiscal year be such as will raise the necessary revenue. Since these procedural matters are carried on very early in the fiscal year, it is necessary that this act take effect immediately.

CHAPTER 1214

An act to amend Section 212 of the Public Utilities Code, relating to military transportation.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 212 of the Public Utilities Code is amended to read:

212. "Common carrier" does not include: (a) Any corporation or person owning, controlling, operating, or managing any vessel, by reason of the furnishing of water transportation service between points upon the inland waters of this state or upon the high seas between points within this state for affiliated or parent or subsidiary companies or for the products of other corporations or persons engaged in the same industry, if such water transportation service is furnished in tank vessels or barges specially constructed to hold liquids or fluids in bulk and if such service is not furnished to others not engaged in the same industry.

(b) Any corporation or person who operates any vessel for the transportation of persons for compensation, between points in this state if one terminus of every trip operated by the corporation or person is within the boundaries of a U.S. military reservation and is performed under a contract with an agency of the federal government which specifies the terms of service to be provided; and provided that the corporation or person does not perform any service between termini within this state which are outside of a U.S. military reservation. For the purposes of this subdivision, the conditions of this exemption shall be reviewed by the Public Utilities Commission annually as of the first day of January of each year.

CHAPTER 1215

An act to amend Sections 30507, 30536, 30700, 30802, 30803, 30804, 30806, 30900, 30908, 30932, 30969, and 30981 of, to amend the heading of Article 1 (commencing with Section 30900) of Chapter 7 of Part 3 of Division 10 of, to add Sections 30703.1, 30703.2, 30705, 30706, 30740.5, and 30914 to, to add an article heading to Chapter 6 of Part 3 of Division 10, immediately to precede Section 30800 of, to add Article 2 (commencing with Section 30820) to Chapter 6 of Part 3 of Division 10 of, to add Article 1.5 (commencing with Section 30920) to Chapter 7 of Part 3 of Division 10 of, to repeal Section 30910 of, the Public Utilities Code, and to add Part 17 (commencing with Section 37001) to Division 2 of the Revenue and Taxation Code, relating to rapid transit.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 30507 of the Public Utilities Code is amended to read:

30507. Prior to the time the district incurs any bonded indebtedness, the district shall insofar as possible follow the budgetary control procedures for counties, pursuant to Articles 1 to 8, inclusive (commencing with Section 29000), Chapter 1, Division 3, Title 3 of the Government Code. Transfers of funds within, or revisions of, a budget adopted by the district, whether before or after the incurring of any bonded indebtedness, may be made by appropriate act of the board at a regular, adjourned regular or special meeting. After the district incurs any bonded indebtedness the district shall establish suitable budgetary procedures and thereafter copies of each proposed annual budget shall be available to interested persons a reasonable time before the adoption thereof and copies of the final budget shall likewise be available to interested persons. Copies of any special budgets shall be furnished to interested parties on request.

SEC. 2. Section 30536 of the Public Utilities Code is amended to read:

30536. Any bonds, notes, warrants and other evidences of indebtedness issued or incurred by the district shall be signed as provided in the section of this part applicable thereto or as provided in any other law applicable thereto; provided, however, that if the particular section or law does not prescribe the method of such execution, the method provided for bonds of the district shall apply so far as applicable. All other contracts of the district shall be executed on behalf of the district by the general manager; provided, however, that the board may, by resolution, fix any other method of executing such contracts.

SEC. 3. Section 30700 of the Public Utilities Code is amended to read:

30700. The district may issue any bonds, borrow money and incur indebtedness as authorized by law or in this part provided.

SEC. 3.1. Section 30703.1 is added to the Public Utilities Code, to read:

30703.1. The district may make an irrevocable pledge or contract in connection with the payment of the principal of and the interest, sinking or reserve funds or other obligation of any bonded indebtedness created under this part of any transit funds or other continuing or annual appropriations, contributions, grants, or loans by the United States or any department, instrumentality, or agency thereof or by the State of California, a county, a city or any other public agency pursuant to law or by this article. The irrevocability of any pledge or contract hereunder shall be binding on the district to the full extent authorized or permitted by the laws governing or applicable to the source of such transit funds, appropriations, contributions, grants or loans, or by this article. This article shall include but not be limited to appropriations or other funds authorized or allocated under Chapter 138 of the Statutes of 1964, First Extraordinary Session, and Chapter 155 of the Statutes of 1966, First Extraordinary Session, or as they may hereafter be amended.

No transit funds, appropriations, contributions, grants or loans received by the district shall be pledged or by contract be obligated to the payment of any district bonded indebtedness or the principal, interest, sinking or reserve fund payments of such indebtedness unless the pledge or contract is authorized or permitted by the laws governing or applicable to such transit funds appropriations, contributions, grants or loans including any official action that may be required of any federal, state, local or public agency and in the case of incurring indebtedness by the issuance of bonds such proposition has been approved by 60 percent of those qualified electors of the district voting on the proposition to create the indebtedness at an election called for that purpose pursuant to this part. A vote in favor of the issuance of the bonds shall authorize the use of such transit funds, appropriations, contributions, grants or loans for such purposes and no other or further elections need be held to authorize the board to collect or provide for the collection of and to make such use of such funds or moneys. The authority to use such funds or moneys shall continue until the bonds and the interest thereon are paid or until a fund sufficient for the payment thereof or of the redemption thereof prior to maturity, with any premiums required therefor, has been created and set aside for that purpose.

"Transit funds" as used in this part means any funds or moneys payable to or received by the district from any California transit funds or any funds which the federal government, the state, a county, a city, or other public agency has or

is authorized by any law or by official action thereunder to appropriate, contribute, grant, or loan to the district to be used for the payment of any indebtedness, including but not limited to any bonded indebtedness of the district in accordance with the provisions of this part or any other law.

SEC. 3.2. Section 30703.2 is added to the Public Utilities Code, to read:

30703.2. To the extent permitted by the law governing the source of any transit funds, appropriations, contributions, grants or loans received pursuant to this article or under any other law or otherwise, such funds or moneys may also be used to pay construction costs directly and reduce expenditures to be financed from bonds of the district, and in such event, the total amount of the bonds approved by the voters may be reduced to the extent that such transit funds, appropriations, contributions, grants or loans are so applied directly to construction costs.

SEC. 4. Section 30705 is added to the Public Utilities Code, to read:

30705. The district may also refund any indebtedness as provided in this part or in any other applicable law. The board may provide for the issuance, sale or exchange of refunding bonds to redeem or retire any bonds issued by the district upon the terms, at the times and in the manner which it determines. Refunding bonds may be issued in a principal amount sufficient to pay all or any part of the principal of any bonds outstanding, the interest thereon and the premiums, if any, due upon call and redemption thereof prior to maturity and all expenses of such refunding. The provisions of this part for issuance and sale of any bonds apply to the issuance and sale of such refunding bonds; except that (i) the issuance of refunding bonds shall be approved by 60 percent of the votes cast by the qualified electors of the district voting at an election called and held for that purpose except that an election is not required if the refunding is by the same type of bonds and payable from the same sources, and (ii) when refunding bonds are to be exchanged for any bonds outstanding the methods of exchange shall be as determined by the board.

SEC. 5. Section 30706 is added to the Public Utilities Code, to read:

30706. Unless the context otherwise requires, the definitions of the following terms shall apply to indebtedness under this part:

(a) "Any bond" or "any bonded indebtedness" means bonds or indebtedness of any kind or nature pursuant to Chapter 7 (commencing with Section 30900) of this part.

(b) "Bond" means the bond authorized pursuant to Article 1 (commencing with Section 30900) of Chapter 7 of this part.

(c) "Limited tax bond" means the bond issued pursuant to Article 1.5 (commencing with Section 30920) of Chapter 7 of this part.

(d) "Revenue bond" means the bond issued pursuant to Article 2 (commencing with Section 30930) of Chapter 7 of this part.

(e) "Improvement district bond" means the bond issued pursuant to Article 5 (commencing with Section 30960) of Chapter 7 of this part.

(f) "Revenues" means any funds of the district including transit funds other than property taxes levied under Section 30802 and special taxes levied under Section 30820.

SEC. 6. Section 30740.5 is added to the Public Utilities Code, to read:

30740.5. The board of directors or any officer or member or members thereof authorized by that body, or any individual voter or bona fide association, or any combination of voters and associations may file a written argument for or against any district bond or tax measure. No argument shall exceed 300 words in length. The secretary of the district shall cause an argument for and an argument against the measure to be printed and shall enclose a copy of both arguments printed on the same sheet of paper in an envelope with each sample ballot. The printed arguments are official matter within the meaning of those words as used in Section 10012 of the Elections Code. Based on the time reasonably necessary to prepare and print the arguments and sample ballots for that election, the secretary shall fix and determine a reasonable date prior to the election after which no argument for or against the measure may be submitted to him for printing and distribution to the voters, as provided in this section. Arguments may be changed until and including the date fixed by the secretary. If more than one argument for or more than one argument against any measure is submitted to the secretary within the time prescribed, the secretary shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. The arguments so selected shall be those of bona fide supporters or opponents of the measure.

SEC. 7. An article heading is added to Chapter 6 of Part 3 of Division 10 of the Public Utilities Code, immediately to precede Section 30800, to read:

Article 1. Property Taxation

SEC. 8. Section 30802 of the Public Utilities Code is amended to read:

30802. (a) To the extent possible and subject to the priorities set forth in Section 30638, the principal of, interest on, and sinking fund payments for bonds of the district, including the establishment and maintenance of any reserve fund therefor, shall be paid from the revenues of the district. If from any cause the revenues of the district are or are expected to be inadequate in any year to pay the principal of, interest on, or

sinking fund payments for bonds of the district as the same become due, or to establish or maintain any reserve fund therefor, the board shall, at the same time as the board of supervisors are required by law to fix the general tax levy and in the manner provided for such general tax levy, levy for district purposes and collect upon all property in the district taxable for county purposes a tax sufficient, together with revenues already collected and available therefor, to pay the interest on the bonds as the same will become due and such part of the principal thereof, including any sinking fund installments required by any of the district's agreements with its bondholders, as will come due before the proceeds of a tax levied at the next general tax levy will be available for such purpose, and sufficient to provide or to restore such reserve fund to the amount required by any of the district's agreements with its bondholders.

(b) In the event that, pursuant to Section 30900, the ordinance calling the election on the issuance of bonds provided for any of the special tax or taxes mentioned in Article 2 (commencing with Section 30820) of Chapter 6 of Part 3 of Division 10 to be levied and used to pay principal of and interest on the bonds, any sinking fund payments required therefor and to create and maintain any reserve fund required therefor, the board shall estimate the revenues of the district which are expected to be available for said purposes and the amounts to be raised by such special tax or taxes as are required to be levied and used for said purposes in order to provide for the payment of all such obligations when due. The board may in its regular annual budget or in a special budget which may be prepared at any time show the amounts needed for the aforesaid purposes, estimate the revenues available therefor, and thereafter fix the rates of and levy and collect or provide for the collection of such special tax or taxes as will provide, together with revenues available therefor, at least all sums necessary for such purposes insofar as such levies do not exceed the maximum rates stated in the ordinance calling the bond election.

If from any cause the revenues of the district are or are expected to be inadequate to pay the principal of and interest on the bonds and sinking fund payments, as the same become due, and establish or maintain any reserve fund required therefor, and if the proceeds of the special tax or taxes, levied at the maximum rates authorized, together with such revenues, are still estimated to be insufficient for said purposes, the board shall levy and collect upon all property in the district taxable for county purposes a tax at least sufficient, with the revenues already collected and available therefor, together with the anticipated proceeds of the special tax or taxes, to pay the interest on the bonds as the same will become due and such part of the principal thereof, including any sinking fund payments, as will become due before the proceeds of a tax levied at the

time of the next general tax levy will be available for such purposes, and sufficient to provide or to restore such reserve fund to the amount required by any of the district's agreements with its bondholders. Such special tax or taxes shall be continued at the same rates as theretofore established during each successive calendar or fiscal year until the same are changed by action of the board.

SEC. 9. Section 30803 of the Public Utilities Code is amended to read:

30803. To the extent provided in the proceedings authorizing the issuance of bonds of the district for an improvement district therein and subject to the priorities set forth in Section 30638 and subject to prior use for bonds, the principal of, interest on and sinking fund payments for bonds for each improvement district, including the establishment and maintenance of any reserve fund therefor, shall be paid from the revenues of the district or from the portion thereof which the board allocates for such purposes. If from any cause the revenues of the district, or the portion allocated for such purpose, are or are expected to be inadequate in any year to pay the principal of, interest on or sinking fund payments for such bonds for any improvement district, as the same become due, or to establish and maintain any reserve fund therefor, the board shall, at the time of fixing the general tax levy and in the manner provided for the general tax levy, levy and collect a tax within the improvement district involved sufficient, together with revenues already collected and available therefor, to pay the interest on the bonds for such improvement district as the same will become due and such part of the principal thereof, including any sinking fund installments required by any of the district's agreements with the bondholders of such bonds for such improvement district, as will become due before the proceeds of a tax levied at the next general tax levy will be available for such purpose, and sufficient to provide or to restore such reserve fund to the amount required by any of the district's agreements with its bondholders of such bonds for such improvement district.

SEC. 10. Section 30804 of the Public Utilities Code is amended to read:

30804. Taxes authorized by this article and required to be levied and collected on account of interest, principal, sinking fund and reserve fund of bonds of the district, or bonds for improvement districts therein, shall be used for no other purpose than the payment of the bonds, premiums, if any, on the mandatory call of any of said bonds, and accruing interest, and except for taxes levied pursuant to Section 31401, shall be the only taxes levied by the district unless additional taxes are authorized pursuant to Section 30806.

SEC. 11. Section 30806 of the Public Utilities Code is amended to read:

30806. The taxes authorized by this article and required to be levied for bonds of the district and bonds for improve-

ment districts therein under Sections 30802, 30803 and 30804 shall be levied to the extent revenues or taxes are not available from other sources to meet these obligations or any of them; and no taxes of any kind or nature whatever shall be levied to pay operating expenses of the district or to provide for repairs, maintenance and depreciation of works owned or operated by the district; and no taxes shall be levied for other district purposes unless the board shall have authorized the same by ordinance adopted by a vote of two-thirds of all members of the board and such ordinance shall be approved by 60 percent of the votes cast by the qualified electors of the district voting on the ordinance at an election called for that purpose. The board in such ordinance shall provide the maximum tax rate or rates for such other district purposes, specified in such ordinance, and may provide for limitations upon the time or times which such additionally authorized taxes shall be in effect. Any maximum tax rate adopted pursuant to this section may be increased when authorized by the board by ordinance adopted in the manner and by the vote hereinbefore stated in this section and approved by 60 percent of the votes cast by the qualified electors of the district voting on the ordinance at an election called for that purpose.

SEC. 12. Article 2 (commencing with Section 30820) is added to Chapter 6 of Part 3 of Division 10 of the Public Utilities Code, to read:

Article 2. Special Taxes

30820. In addition to the power of taxation granted by Article 1 (commencing with Section 30800) of this chapter and subject to the priorities set forth in Section 30638, the board may impose one or more of the special taxes authorized by Part 17 (commencing with Section 37001) of Division 2 of the Revenue and Taxation Code in the manner and for the purposes prescribed subject to all limitations of this part.

30821. No taxes of any kind or nature whatever shall be levied to pay operating expenses of the district or to provide for repairs, maintenance and depreciation of works owned or operated by the district. No taxes of any kind or nature authorized by this article shall be levied to pay principal and interest on bonds or other obligations of any improvement district formed pursuant to Article 5 (commencing with Section 30960) of Chapter 7 of this part.

30822. (a) No taxes authorized by this article shall be levied to pay principal and interest on any bonds of the district, nor for other district purposes unless the board shall have authorized the same by ordinance adopted by a vote of two-thirds of all members of the board and such ordinance shall be approved by 60 percent of the votes cast by the qualified electors of the district voting on the proposition at an election called for that purpose. The board in such 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 and shall specify the purpose or purposes for which the revenue derived from the tax will be used. The board in such ordinance may provide for limitations upon the time when such tax shall be in effect. Any tax rate or maximum tax rate adopted pursuant to this article, unless otherwise prohibited, may be increased when authorized by the board by ordinance adopted in the manner and by the vote hereinbefore stated in this section and approved by 60 percent of the votes cast by the qualified electors of the district voting at an election called for that purpose.

(b) Notwithstanding the provisions of the preceding subsection (a) of this section, whenever a bond election is held to authorize a bonded indebtedness pursuant to Article 1 of Chapter 7 of this division the ordinance calling the election may include a statement of which, if any, of the special taxes permitted by Part 17 (commencing with Section 37001) of Division 2 of the Revenue and Taxation Code shall be levied and used to pay principal of and interest on the bonds, including sinking fund payments and to create or maintain any reserve fund provided therefor. A vote in favor of the issuance of the bonds shall authorize the use of said tax or taxes for said purposes and no other or further election need be held to authorize the board to levy and collect or provide for the collection of and to make such use of said tax or taxes. The board, in the ordinance calling the bond election, shall state the nature of such additional tax or taxes and shall state the maximum rate or rates thereof. Such tax or taxes shall continue until the bonds and the interest thereon are paid or until a fund sufficient for the payment thereof or for the redemption thereof prior to maturity, with any premiums required therefor, has been created and set aside for that purpose.

30823. Any surplus funds received from a special tax or taxes in any year may if not otherwise prohibited be paid directly on construction costs payable out of the bonds payable therefrom, provided that the required payments have been made on the principal, interest and sinking fund and reserve fund payments of any bonded indebtedness payable therefrom and the total amount of the bonds payable from special taxes authorized to be issued shall be reduced to the extent said funds are applied directly to construction costs.

30824. Where no other method is expressly provided for the collection of the special taxes authorized by Part 17 (commencing with Section 37001) of the Revenue and Taxation Code, the district may contract with any public agency and any public agency may contract with the district, for the public agency or one or more of them, to administer and collect any or all of the taxes, or any part of such taxes, imposed by an ordinance adopted pursuant to this article. The contract shall be upon such terms as the parties may agree. All taxes collected by a public agency pursuant to contract shall be trans-

mitted to the district periodically as promptly as feasible, and the public agency shall charge the district such amount as will reimburse the public agency for the cost of administering and collecting the tax. The term "public agency" as used in this section means any city, county, city and county, district, public corporation, or state department or agency.

SEC. 13. The heading of Article 1 (commencing with Section 30900) of Chapter 7 of Part 3 of Division 10 of the Public Utilities Code is amended to read:

Article 1. Authorization and Issuance of Bonds

SEC. 14. Section 30900 of the Public Utilities Code is amended to read:

30900. Whenever the board deems it necessary for the district to incur a bonded indebtedness for the acquisition, construction, or repair of any or all improvements, works, property or facilities, authorized by this part or necessary or convenient for the carrying out of the powers of the district, or for any other purpose authorized by this part, including, without limitation, the refunding referred to in Chapter 8 (commencing with Section 31000) of this part, it shall, by ordinance, adopted by a vote of two-thirds of all members of the board, so declare and call an election to be held in said district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said district. Said ordinance shall state:

(a) The purposes 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 such 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.

(b) The estimated cost of accomplishing said purposes.

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

(d) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 50 years from the date thereof or the date of each series thereof.

(e) The maximum rate of interest to be paid, which shall not exceed 6 percent per annum.

(f) The proposition to be submitted to the voters, which may include one or more purposes.

(g) The date of the election.

(h) The manner of holding the election and the procedure for voting for or against the measure.

(i) The ordinance also may contain, as provided in subdivision (b) of Section 30822, a statement of which, if any, of

the special tax or taxes mentioned in Article 2 (commencing with Section 30820) of Chapter 6 of this part shall be levied and used to pay principal of and interest on the bonds, provide for any sinking fund payments and to create or maintain any reserve fund required therefor.

(j) The ordinance may also contain any other matters authorized by this part or any other law.

SEC. 15. Section 30908 of the Public Utilities Code is amended to read:

30908. After the expiration of three years after a bond election the board may determine, by ordinance adopted by a vote of two-thirds of all the members of the board, that any or all of the bonds authorized at said election remaining unsold shall not be issued or sold. When the ordinance takes effect, the authorization to issue said bonds shall become void.

SEC. 16. Section 30910 of the Public Utilities Code is repealed.

SEC. 17. Section 30914 is added to the Public Utilities Code, to read:

30914. If bonds are authorized that contain a provision for special taxes under subdivision (i) of Section 30900 of this code, the board may enter into such covenants as may be deemed proper to provide for issuance of additional parity bonds, the priority and pledge of special taxes and such other covenants as are customary or desirable in the issuance of any bonds payable out of special funds or necessary, convenient or desirable to secure the bonds or tending to make them more marketable subject to the provisions of the ordinance calling the bond election.

SEC. 18. Article 1.5 (commencing with Section 30920) is added to Chapter 7 of Part 3 of Division 10 of the Public Utilities Code, to read:

Article 1.5. Limited Tax Bonds

30920. Limited tax bonds for which the only tax or taxes which may be levied for the payment of the principal of and interest thereon, the making of any sinking fund payments therefor, and the creation and maintenance of any reserve fund required therefor, are the special tax or taxes provided in Part 17 (commencing with Section 37001) of Division 2 of the Revenue and Taxation Code and may be issued as provided in this article.

30921. Whenever the board deems it necessary to incur a bonded indebtedness pursuant to this article for the acquisition or construction of any or all of the improvements, works, properties or facilities authorized by this part, or necessary or convenient for the carrying out of the powers of the district, including without limitation the refunding referred to in Chapter 8 (commencing with Section 31000) of this part, it shall, by ordinance adopted by a vote of two-thirds of all

members of the board, so declare and call an election to be held in said district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of limited tax bonds of said district under and pursuant to this article, and such proposition shall be approved by 60 percent of the votes cast by the qualified electors of the district voting on the proposition. Subdivisions (a) to (j), inclusive, of Section 30900 shall be followed by the board in fixing the contents of the ordinance calling the bond election. Such ordinance shall also state that the only tax or taxes which may be levied for the payment of the principal and interest of the bonds voted, any sinking fund payments therefor, and the creation and maintenance of any reserve fund required therefor, shall be the special tax or taxes described in Part 17 (commencing with Section 37001) of Division 2 of the Revenue and Taxation Code and stated in said ordinance. The board, in said ordinance shall state the nature of such tax or taxes and the maximum rate or rates thereof. A vote in favor of the issuance of the bonds shall authorize the use of said tax or taxes for said purposes and no other or further election need be held to authorize the board to levy and collect or provide for the collection of and to make such use of said tax or taxes. The authority to levy and use such tax or taxes shall continue until the bonds and the interest thereon are paid or until a fund sufficient for the payment thereof or for the redemption thereof prior to maturity, with any premiums required therefor, has been created and set aside for that purpose.

30922. The provisions of Sections 30901 to 30914, inclusive, shall apply to all bond proceedings and bonds authorized or issued under this article.

30923. The board shall, in the regular annual budget or in any special budget which may be prepared by the board at any time, estimate revenues of the district which are expected to be available for the payment of principal and interest on the bonds, any sinking fund payments required therefor, and to create and maintain any reserve fund required therefor. Said budget shall show the amounts needed for such purposes, estimate the revenues available therefor, and thereafter the board shall fix the rates of and levy and collect or provide for the collection of such special tax or taxes as will provide, together with revenues available therefor, if any, at least all sums necessary for such purposes insofar as such levies do not exceed the maximum rates stated in the ordinance calling the bond election. Such tax or taxes shall be continued at the same rates as theretofore established during each successive calendar or fiscal year until the same are changed by action of the board.

SEC. 19. Section 30932 of the Public Utilities Code is amended to read:

30932. Revenue bonds issued under the provisions of this Article 2 shall be subject to the priorities set forth in Section 30638. Revenue bonds shall have a priority as to the use of revenues superior to that of any bonds for improvement districts issued under Article 5 of this chapter. Revenue bonds having a priority as to the use of revenues superior to that of any bonds issued under Article 1 of this chapter may be issued if the proposition for the issuance of such revenue bonds with such priority shall have been submitted by the board by the same vote required under Article 1 and approved by the electors by the same vote required under Article 1.

SEC. 22. Section 30969 of the Public Utilities Code is amended to read:

30969. Thereafter the provisions relating to the authorization and issuance of bonds, Sections 30901 to 30914, inclusive, shall apply.

SEC. 23. Section 30981 of the Public Utilities Code is amended to read:

30981. Notwithstanding any other provisions of this part or any other law, the provisions of all ordinances, resolutions and other proceedings in the issuance by the district of any bonds, bonds with a pledge of revenues, bonds for improvement districts, revenue bonds, equipment trust certificates, notes, or any and all evidences of indebtedness or liability shall constitute a contract between the district and the holders of such bonds, equipment trust certificates, notes or evidences of indebtedness or liability and the provisions thereof shall be enforceable against the district, any or all of its successors or assigns, the state, any department of the state, or any officer thereof, by mandamus or any other appropriate suit, action or proceeding in law or in equity in any court of competent jurisdiction. Nothing contained in this part or in any other law shall be held to relieve the district or the territory included within it from any bonded or other debt or liability contracted by the district. Upon dissolution of the district or upon withdrawal of territory therefrom, the property formerly included within the district or withdrawn therefrom shall continue to be liable for the payment of all bonded and other indebtedness or liabilities outstanding at the time of such dissolution or withdrawal the same as if the district had not been so dissolved or the territory withdrawn therefrom, and it shall be the duty of the state or other successors or assigns to provide for the payment of such bonded and other indebtedness and liabilities. Except as may be otherwise provided in the proceedings for the authorization, issuance and sale of any revenue bonds, bonds secured by a pledge of revenues or bonds for improvement districts secured by a pledge of revenues, revenues of any kind or nature derived from any revenue-producing improvements, works, facilities or property owned, operated or controlled by the district shall be pledged, charged, assigned and have a lien thereon for the payment of such bonds as long as

the same are outstanding, regardless of any change in ownership, operation or control of such revenue-producing improvements, works, facilities or property and it shall, in such later event or events, be the duty of the state or other successors or assigns to continue to maintain and operate such revenue-producing improvements, works, facilities or property as long as bonds are outstanding.

SEC. 24. Part 17 (commencing with Section 37001) is added to Division 2 of the Revenue and Taxation Code, to read:

PART 17. SPECIAL TAXES FOR RAPID TRANSIT CONSTRUCTION

Article 1. General Provisions

37001. The provisions of this part shall be applicable only within a county or any combination of counties having a population of 1,000,000 persons or more as determined by the last federal decennial census. The powers of taxation conferred upon counties and rapid transit districts by this part shall be in addition to all other powers of taxation conferred by law upon counties and rapid transit districts.

37002. As used in this part, the following terms have the meanings ascribed to them in this section unless the context clearly indicates to the contrary:

(a) "Rapid transit district" means a public corporation organized pursuant to state law, designated in its enabling legislation as a rapid transit district, the governing body of which is either elected by the inhabitants of its territory or appointed by city or county boards or officers elected by the inhabitants of its territory, and which is authorized by state law to construct and operate a rapid transit system.

(b) "Rapid transit system" means any new system for the transportation of passengers and their incidental baggage by means other than by chartered bus, sightseeing bus, taxi, or any other motor vehicle not on an individual passenger fare-paying basis.

(c) "Special tax or taxes" means the tax or taxes imposed as authorized by this part.

37003. In counties in which there is no rapid transit district, the board of supervisors of the county may, by a vote of two-thirds of all members of the board, adopt one or more ordinances pursuant to this part. No ordinance adopted by a board of supervisors pursuant to this part shall become operative unless it is approved by 60 percent of the votes cast by the qualified electors of the county to which the ordinance will apply, voting on the proposition at an election called for that purpose, held at least four months prior to the date on which the ordinance is to become operative. Each ordinance adopted pursuant to this part by a board of supervisors of a county shall include a provision that the total revenue derived from

the ordinance shall be distributed to the county for use exclusively for making contributions to any city or any public corporation which is authorized by law to plan and construct a rapid transit system within the county or portion of the county for the purpose of financing the cost of construction of a rapid transit system.

37004. In counties or portions of counties which are included within the territory of a rapid transit district, the board of directors of the rapid transit district may adopt ordinances relating to one or more of the special taxes provided for in this part, for the payment of any bonds of the district or for any other district purposes.

37005. No taxes authorized by this part shall be levied to pay principal and interest on any bonds of the district, nor for other district purposes unless the board shall have authorized the same by ordinance adopted by a vote of two-thirds of all members of the board and such ordinance shall be approved by 60 percent of the votes cast by the qualified electors of the district voting on the proposition at an election called for that purpose. The board in such 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 and shall specify the purpose or purposes for which the revenue derived from the tax will be used. The board in such ordinance may provide for limitations upon the time when such tax shall be in effect. Any tax rate or maximum tax rate adopted pursuant to this article, unless otherwise prohibited, may be increased when authorized by the board by ordinance adopted in the manner and by the vote stated in this section and approved by 60 percent of the votes cast by the qualified electors of the district voting at an election called for that purpose.

CHAPTER 1216

An act to amend Section 2416 of the Vehicle Code, relating to emergency vehicles.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 2416 of the Vehicle Code is amended to read:

2416. (a) The Commissioner of the California Highway Patrol may issue authorized emergency vehicle permits only for the following vehicles, and subject to the conditions set forth in this section:

(1) Any vehicle maintained in whole or in part by the state, a county or a city and privately owned and operated by a constable, deputy constable, or person who is a member

of, and who receives salary from, and is regularly employed by, a police department or sheriff's department, provided the state, county or city does not furnish to such person a publicly owned authorized emergency vehicle.

(2) An emergency repair vehicle of a utility or public utility.

(3) Firefighting equipment designed and operated exclusively as such.

(4) Ambulances designed and operated exclusively as such.

(5) Any vehicle operated by the chief or assistant chief of a fire department organized as provided in the Health and Safety Code or the Government Code or pursuant to special act of the Legislature.

(6) Any vehicle of an air pollution control district used to enforce provisions of law relating to air pollution from motor vehicles.

(7) Any vehicle operated by the chief of any fire department established on any base of the armed forces of the United States.

(b) The commissioner may issue an authorized emergency vehicle permit for a vehicle only upon a finding that the vehicle is used in responding to emergency calls for fire or law enforcement service or for the immediate preservation of life or property or for the apprehension of law violators.

CHAPTER 1217

An act to amend Section 35793 of the Vehicle Code, relating to moving of oversize vehicles.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 35793 of the Vehicle Code is amended to read:

35793. The Department of Public Works or local authorities with respect to highways under their respective jurisdictions may at their discretion upon application in writing issue a special permit in writing on either an individual trip or annual basis authorizing the applicant to move a vehicle or combination of vehicles containing a load consisting solely of vehicles or boats which vehicle or combination of vehicles and load is in excess of 13 feet and 6 inches in height but does not exceed 14 feet in height measured from the surface upon which the vehicle or combination of vehicles stands.

CHAPTER 1218

An act to add Sections 487e, 487f and 487g to the Penal Code, relating to grand theft.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 487e is added to the Penal Code, to read:

487e. Every person who feloniously steals, takes, or carries away a dog of another which is of a value exceeding two hundred dollars ($200) is guilty of grand theft.

SEC. 2. Section 487f is added to the Penal Code, to read:

487f. Every person who feloniously steals, takes, or carries away a dog of another which is of a value not exceeding two hundred dollars ($200) is guilty of petty theft.

SEC. 3. Section 487g is added to the Penal Code, to read:

487g. Every person who feloniously steals, takes, or carries away a dog of another for purposes of sale, medical research, or other commercial uses, is guilty of grand theft.

CHAPTER 1219

An act to amend Section 1120 of, and to add Section 1120.2 to, the Probate Code, relating to testamentary trusts.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 1120 of the Probate Code is amended to read:

1120. When a trust created by a will continues after distribution, the superior court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction for the purpose of determining to whom the property shall pass and be delivered upon final or partial termination of the trust, to the extent that such determination is not concluded by the decree of distribution, of settling the accounts and passing upon the acts of the trustee, of authorizing the trustee to accept additions to the trust from sources other than the estate of the decedent, and for the other purposes hereinafter set forth. Any trustee appointed by will, or appointed to execute a trust created by will, may, from time to time pending the execution of his trust, or at the termination thereof, render for settlement his accounts and report his acts as such trustee, before the superior court in which the will was probated. For

that purpose, the trustee, or, in the case of his death, his legal representatives, shall present to the court his verified account and report, setting forth his accounts in detail, reporting his acts as trustee, and showing the condition of the trust estate.

The trustee may also petition such court, from time to time, for instructions as to the administration of the trust, for authority to accept additions to the trust from any source or sources other than the estate of the decedent, and for authority to exercise the powers authorized by Section 1120.2 of this code. The court may hear any such petition and instruct or authorize the trustee by order rendered before or after any distribution to him. When the trustee files any such petition before any distribution of the estate to him, he shall, in addition to any other notice required, cause notice of the hearing to be mailed to the personal representative and shall further cause notice of the hearing to be mailed to all persons, including heirs, legatees and devisees, at their last known address, to whom the court may order such notice given, and shall, upon filing the petition and before giving notice thereof, secure from the court an order designating the persons in addition to the personal representative and the beneficiaries to whom the court requires that notice be given, or an order that notice to the personal representative and the beneficiaries is the only notice that shall be required.

When it appears from the allegations of the petition that the trustee seeks instructions to exercise a power not conferred upon him or seeks authority to exercise the powers authorized by Section 1120.2, the petition shall set forth the particulars of and the necessity for the action sought to be taken.

The clerk shall set the hearing upon the account and report or petition for settlement or instructions and give notice thereof for the period and in the manner required by Section 1200 of this code. The trustee shall cause notice of the hearing to be mailed to the beneficiaries, including all persons in being who shall or may participate in the corpus or income of the trust, at their last known addresses, as provided in said Section 1200, whether they have requested special notice or given notice of appearance or not. In addition to the above notice, when the petition relates to the exercise of a power not conferred or seeks authority to exercise the powers authorized by Section 1120.2, a copy of the petition shall be attached to and mailed with copies of the notice which are mailed and the court or judge shall, at least 10 days before such return day, appoint a suitable person who shall appear and act as guardian ad litem of any person or persons of a designated class, who are not ascertained, or who are not in being, and who may become beneficiaries or may so participate in the trust. None of the provisions of Section 373 of the Code of Civil Procedure shall apply to such appointment.

SEC. 2. Section 1120.2 is added to the Probate Code, to read:

1120.2. On petition of the trustee, made at any time, or on petition of the executor or administrator included in a petition for preliminary or final distribution, where after hearing it appears to be necessary or desirable in order to carry out the purposes of the trust that the trustee be given powers not expressly contained in the will or otherwise conferred by law, the court may in its discretion confer upon the trustee any or all of the following powers when it appears to the court that such powers are not inconsistent with the provisions or purposes of the trust; such powers conferred may be of a continuing nature or may be exercised only in specific instances, as the court may determine:

(1) To manage, control, sell, convey, divide, and to sell upon deferred payments; to lease for terms within or extending beyond the duration of the trust for any purpose including exploration for and removal of gas, oil, or other minerals; to enter into community oil leases.

(2) To retain property, including stock of the trustee, and invest and reinvest as provided by law from time to time existing, including investments in any common trust fund now or hereafter established by the trustee.

(3) To borrow; to place, replace, renew or extend any encumbrance upon any trust property.

(4) To participate in voting trusts, pooling agreements, foreclosures, reorganization, consolidation, mergers, and liquidations and in connection therewith, to deposit securities with and transfer title and delegate discretions to any protective or other committee as the trustee may deem advisable.

(5) To acquire or dispose of an asset, for cash or on credit, at public or private sale; and to exchange, partition, change the character of, or abandon a trust asset or any interest therein.

(6) To make ordinary or extraordinary repairs or alterations in buildings or other trust property, to demolish any improvements, to raze existing or erect new party walls or buildings.

(7) To subdivide, develop, or dedicate land to public use; or to make or obtain the vacation of plats and adjust boundaries; or to adjust differences in valuation on exchange or partition by giving or receiving consideration; or to dedicate easements to public use without consideration.

(8) To grant an option involving disposition of a trust asset, or to take an option for the acquisition of any asset.

(9) To vote a security, in person or by general or limited proxy.

(10) To pay calls, assessments, and any other sums chargeable or accruing against or on account of securities.

(11) To sell or exercise stock subscription or conversion rights.

(12) To hold a security in the name of a nominee or in other form without disclosure of the trust, so that title to the

security may pass by delivery, but the trustee is liable for any act of the nominee in connection with the security so held.

(13) To insure the assets of the trust against damage or loss, and the trustee against liability with respect to third persons.

(14) To advance money for the protection of the trust, and for all expenses, losses, and liabilities sustained in the administration of the trust or because of the holding or ownership of any trust assets, for which advances with any interest the trustee has a lien on the trust assets as against the beneficiary.

(15) To pay or contest any claim; to settle a claim by or against the trust by compromise, arbitration, or otherwise; and to release, in whole or in part, any claim belonging to the trust to the extent that the claim is uncollectible; to institute, compromise and defend actions and proceedings.

(16) To pay taxes, assessments, compensation of the trustee, and other expenses incurred in the collection, care, administration, and protection of the trust.

(17) To continue or participate in any business or other enterprise and to effect incorporation, dissolution, or other change in the form of organization of the business or enterprise.

(18) To exercise any other power or powers which to the court appear necessary or desirable.

Except as specifically provided in the will, the provisions of this section apply to any will executed before or after the effective date of this section and to any trust asset acquired by the trustee of the trust created by such will, before or after the effective date of this section.

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

CHAPTER 1220

An act to add Section 19584.2 to the Education Code, relating to state school building aid.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 19584.2 is added to the Education Code, to read:

19584.2. The area of any building, the construction of which was financed by the proceeds from a tax levied pursuant

to Section 16633, shall not be included in any computation of the area of adequate school construction existing in any applicant school district under this chapter.

CHAPTER 1221

An act to add Part 5.5 (commencing with Section 11101) to Division 2, and to amend Section 36020, of the Revenue and Taxation Code, relating to local vehicle license fees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Part 5.5 (commencing with Section 11101) is added to Division 2 of the Revenue and Taxation Code, to read:

PART 5.5. LOCAL VEHICLE LICENSE FEES

11101. This part is applicable only in a county which has adopted a general plan providing for a network of county expressways and has financed the first phase of the construction of such highways from a county highway bond issue totaling at least seventy million dollars ($70,000,000). This part is necessary to provide needed revenue to continue further construction of such an expressway system without increasing the property tax.

11102. As used in this part, "department" means the Department of Motor Vehicles.

11103. Notwithstanding the provisions of Section 10758 of this code, the board of supervisors of a county may, by ordinance, adopt a vehicle license fee pursuant to this part. After a local vehicle license fee has been levied pursuant to this part, it may not be collected more than twice unless the board of supervisors shall have submitted to the voters at a general or special election and at least a majority of those voting have voted affirmatively on the following question:

"Shall the local vehicle license fee be continued as the means to finance the county expressway program?"

11104. No vehicle license fee ordinance adopted pursuant to this part shall be effective for any calendar year prior to 1968, nor unless it is adopted and a certified copy thereof delivered to the Department of Motor Vehicles at least four months prior to the first day of January for the calendar year for which it is to be operative.

11105. A vehicle license fee ordinance adopted pursuant to this part may be repealed by action of the board of supervisors

of the county. A repeal of any vehicle license fee ordinance adopted pursuant to this part shall not be effective for any calendar year unless the board of supervisors takes action to repeal the ordinance at least four months prior to the first day of January the year for which it is to be repealed.

11106. The vehicle license fee ordinance adopted under this part shall be imposed for the privilege of operating upon the public highways in the county any vehicle of a type which is subject to registration under the Vehicle Code unless specifically exempt under the terms of the ordinance, and shall include provisions in substance as follows:

(a) A provision fixing the annual amount of the license fee which shall be an amount not exceeding ten dollars ($10) for every vehicle of a type subject to registration under the Vehicle Code. The ordinance may provide a different fee for any class of vehicles provided no fee shall exceed ten dollars ($10) per vehicle.

(b) Provisions identical to those contained in Part 5 (commencing with Section 10701) of Division 2 of this code, insofar as they relate to vehicle license fees and are applicable, except that the name of the county as the taxing agency shall be substituted for that of the state, and that the term "vehicle of a type subject to registration under the Vehicle Code" does not include (1) any vehicle in the inventory of vehicles held for sale by a manufacturer, distributor or dealer in the course of his business until such time as the vehicle is sold, (2) any trailer coach, or (3) any class of vehicles specifically made exempt from the vehicle license fees authorized by this part by the terms of the ordinance imposing such fees.

(c) A provision that all amendments, subsequent to the effective date of the county vehicle license fee ordinance, to Part 5 (commencing with Section 10701) of Division 2 of this code relating to vehicle license fees and not inconsistent with this part, shall automatically become a part of the county vehicle license fee ordinance.

(d) A provision that the county contract with the Department of Motor Vehicles to perform all functions incident to the administration or operation of the vehicle license fee ordinance of the county.

(e) A provision that the vehicle license fee ordinance shall become operative on the first day of January of the year next succeeding the year in which the ordinance is adopted, subject to the provisions of Section 11104.

(f) A provision that the total revenue derived from any vehicle license fee ordinance, less any costs charged by the Department of Motor Vehicles for its services, shall be distributed to the county for the construction (as defined in Section 29 of the Streets and Highways Code) of a county expressway system or the select system of a county.

11107. All vehicle license fees shall be collected by the Department of Motor Vehicles pursuant to a contract with the

county and shall be transmitted to the county by the department periodically as promptly as feasible, and the department shall charge the county for the department's services specified in this section and Section 11106 such amount as will reimburse the department for the actual additional cost to it in rendering the services. Refunds to licensees pursuant to Part 5 of Division 2 of this code as incorporated in the vehicle license fee ordinance shall be made and administered as provided in such contract.

11108. A person shall, for the purposes provided in this part, be presumed to be operating a vehicle on the public highways only in the county of residence as it is reflected in the registration records of the Department of Motor Vehicles and he shall be subject to a vehicle license fee under this part only in that county. The department is authorized to establish administrative procedures for the collection of vehicle license fees. In determining the place of residence of a person the department shall be entitled to rely upon the address reflected in its records unless any such person or persons or county or district shall establish to the satisfaction of the department that the place of residence is elsewhere.

SEC. 2. Section 36020 of the Revenue and Taxation Code is amended to read:

36020. Notwithstanding the provisions of Section 10758 and Part 5.5 of Division 2 of this code, the board of supervisors of a county may, one time only, by ordinance, adopt a vehicle license fee pursuant to this article which shall be operative for one calendar year only.

SEC. 3. 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 such necessity are:

In order that the State Department of Motor Vehicles may have time to prepare for the collection of the fees provided for by this act, beginning in 1968, it is necessary that this act go into immediate effect.

CHAPTER 1222

An act to amend Sections 23821 and 24070 of the Business and Professions Code, relating to alcoholic beverages, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 23821 of the Business and Professions Code is amended to read:

23821. Whenever it is made to appear to the department by satisfactory evidence that the population in any county has

increased by more than 2,000 or multiples of 2,000 inhabitants since the most recent United States decennial or special census, and it appears to the department that by reason thereof the inhabitants of the county are unjustly and unfairly discriminated against, and if the total number of on-sale general licenses in such county do not then exceed the maximum specified in Section 23816, the department, subject to the limitation contained in Section 24070, may issue not to exceed one on-sale general license for each increase of 2,000 inhabitants in the county since the taking of the census.

Whenever it is made to appear to the department by satisfactory evidence that the population in any county has increased by more than 2,500 or multiples of 2,500 inhabitants since the most recent United States decennial or special census and it appears to the department that by reason thereof the inhabitants of the county are unjustly and unfairly discriminated against, and if the total number of off-sale general licenses in such county do not then exceed the maximum specified in Section 23817, the department, subject to the limitation contained in Section 24070, may issue not to exceed one off-sale general license for each increase of 2,500 inhabitants in the county since the taking of the census.

Before any applications for new original on-sale general or new original off-sale general or intercounty transfer of off-sale general licenses are accepted, the department shall publish pursuant to Section 6061 of the Government Code in the county where such new original licenses may be issued or into which off-sale general licenses may be transferred, notice of the department's intention to receive applications for the issuance of such new original licenses or for the intercounty transfer of off-sale general licenses, setting forth the date, time, manner and place of acceptance of such applications within the county. In all other respects the limitation hereinbefore provided for shall continue in effect.

SEC. 2. Section 24070 of the Business and Professions Code is amended to read:

24070. Each license is separate and distinct and is transferable upon approval by the department from the licensee to another person and from one premises to another premises.

(a) All off-sale general licenses may be transferred from one county to another county, subject to the following provisions:

1. The number of off-sale general licenses in existence in any county on June 1 of any year shall not be increased by more than 25 new original off-sale general licenses during the following 12-month period, provided further that the number of new original off-sale general licenses that may be issued in any county during any 12-month period shall not increase by more than 10 percent the number of off-sale general licenses in existence in such county on the June 1 with which that 12-month period began.

2. After the department computes the number of new original off-sale licenses that may be issued in any county during any 12-month period as provided by the foregoing paragraph, if the department determines that the ratio established by Section 23817 will permit, during such 12-month period, additional off-sale general licenses in any county, off-sale general licenses may be transferred into such county in a number not to exceed by more than 10 percent the number of off-sale general licenses in existence in such county on the June 1 with which that 12-month period began, but in no event to exceed 25 such transfers during that 12-month period.

3. Under no circumstances shall the combined total number of new original off-sale general licenses that may be issued in any county during any 12-month period and the number of off-sale general licenses that may be transferred into such county during that 12-month period, exceed the limitation set forth in Section 23817.

(b) The number of on-sale general licenses in existence in any county on June 1 of any year shall not be increased by more than 10 percent by the issuance of new original on-sale general licenses, but in no event to exceed 25 such licenses, during any 12-month period. The number of on-sale general licenses shall be limited by the provisions of Section 23816.

(c) No retail license subject to the provisions of Section 23816 or 23817 issued as a new original license on or after June 1, 1961, and no off-sale general license transferred from one county to another county on or after the operative date of the 1967 amendment to this section shall be transferable from the licensee to another person, or if the licensee is a corporation a controlling interest in the stock ownership of the licensee shall not be, directly or indirectly, sold, transferred, or hypothecated unless the licensee be a corporation the stock of which is listed on a stock exchange in this state or in the City of New York, State of New York, or which is required by law to file periodic reports with the Security Exchange Commission, for a period of two years from date of issuance of the license, except as provided in Section 24071, and except when the department determines that the transfer is necessary to prevent undue hardship.

(d) No off-sale general license that is transferred from one county to another county pursuant to the 1967 amendment to this section shall be transferred thereafter for a purchase price or consideration to the transferor or from the transferee in excess of ten thousand dollars ($10,000).

SEC. 3. 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 such necessity are:

This act revises the provision relating to the issuance and transfer of alcoholic beverage licenses to insure that the proper

number of alcoholic beverage licenses are available in the various counties. Applications for such licenses are taken each August by the Department of Alcoholic Beverage Control. In order that this act may be effective by August 1, 1967, it is imperative that this act take effect immediately.

CHAPTER 1223

An act to amend Section 426 of the Streets and Highways Code, relating to state highways.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 426 of the Streets and Highways Code is amended to read:

426. Route 126 is from:

(a) Route 101 near Ventura to Route 5.

(b) Route 5 to Route 14 near Solemint.

Route 126 from Route 101 near Ventura to Route 5 shall be known and designated as the "Santa Paula Freeway."

CHAPTER 1224

An act to amend Section 13503 of, and to add Section 13503.1 to, the Education Code, relating to certificated employees.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 13503 of the Education Code is amended to read:

13503. Every person employed by the district in a position requiring certification qualifications in a day school of the district for not less than the minimum schoolday for each day the schools of the district are maintained during the school year is a full-time employee and his compensation shall be fixed accordingly unless he specifically contracts with the governing board to be a part-time employee as defined in Section 13503.1. Governing boards may require persons employed in positions requiring certification qualifications to serve a longer period of time in each schoolday than the minimums defined in Sections 11003 to 11008, inclusive, in order to be compensated as full-time employees, provided all such employees in similar grades or levels are similarly required to serve such longer periods of time. With respect to a unified school district, for the purposes of this section all day kindergarten and ele-

mentary schools of the unified school district shall be deemed to be maintained by one district, all day high schools of the unified school district shall be deemed to be maintained by a second and separate district, and all day junior colleges of the unified school district shall be deemed to be maintained by a third and separate district.

SEC. 2. Section 13503.1 is added to the Education Code, to read:

13503.1. Any person employed by a district in a position requiring certification qualifications who serves a lesser period of time than the majority of such employees in the same grades of the district are required to serve may specifically contract to serve as a part-time employee. In fixing the compensation of part-time employees, governing boards shall provide an amount which bears the same ratio to the amount provided full-time employees as the time actually served by such part-time employees bears to the time required of full-time employees assigned to the same grade.

CHAPTER 1225

An act to amend Sections 74842, 74843, 74844, 74845, 74846, 74847, 74848, and 74849 of, and to add Section 74850 to the Government Code, relating to municipal courts.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 74842 of the Government Code is amended to read:

74842. There shall be one clerk who shall be the administrative officer and who shall receive the monthly salary specified in Section 74847.

SEC. 2. Section 74843 of the Government Code is amended to read:

74843. The clerk may appoint:

(a) One chief deputy clerk.

(b) Four senior deputy clerks.

(c) Eight deputy clerks II or deputy clerks I as shall be determined by the judges with the concurrence of the board of supervisors.

Each of these employees shall receive the monthly salary specified in Section 74847 for his classification.

SEC. 3. Section 74844 of the Government Code is amended to read:

74844. There shall be one marshal who shall receive eight hundred twenty-one dollars ($821) monthly, provided, however, that in order to maintain comparability with the salaries of the elected officials of the County of Solano whose salaries are set by the board of supervisors, the judges, with the con-

currence of the board of supervisors, may establish eight hundred sixty-two dollars ($862) or nine hundred five dollars ($905) as the monthly salary.

SEC. 4. Section 74845 of the Government Code is amended to read:

74845. The marshal may appoint:

(a) One chief deputy marshal-office supervisor.

(b) Four deputy marshals, provided, however, that two additional deputy marshals may be appointed upon the determination of the judges with the concurrence of the board of supervisors.

(c) Three deputy marshals—female.

(d) One clerk II.

Each of these employees shall receive the monthly salary specified in Section 74847 for his classification.

SEC. 5. Section 74846 of the Government Code is amended to read:

74846. Whenever a reference to a salary range number is made in this article, the following schedule of monthly salaries shall apply:

Salary Schedule

Salary range number	Step 1	Step 2	Step 3	Step 4	Step 5
15	$325	$341	$358	$376	$395
15½	333	349	367	385	405
16	341	358	376	395	415
16½	349	367	385	405	425
17	358	376	395	415	436
17½	367	385	405	425	447
18	376	395	415	436	458
18½	385	405	425	447	469
19	395	415	436	458	481
19½	405	425	447	469	493
20	415	436	458	481	505
20½	425	447	469	493	517
21	436	458	481	505	530
21½	447	469	493	517	543
22	458	481	505	530	556
22½	469	493	517	543	570
23	481	505	530	556	584
23½	493	517	543	570	598
24	505	530	556	584	613
24½	517	543	570	598	628
25	530	556	584	613	644
25½	543	570	598	628	660
26	556	584	613	644	676
26½	570	598	628	660	693
27	584	613	644	676	710
27½	598	628	660	693	727
28	613	644	676	710	745
28½	628	660	693	727	763
29	644	676	710	745	782

Salary range number	Step 1	Step 2	Step 3	Step 4	Step 5
29½	630	693	727	763	801
30	676	710	745	782	821
30½	693	727	763	801	841
31	710	745	782	821	862
31½	727	763	801	841	883
32	745	782	821	862	905

SEC. 6. Section 74847 of the Government Code is amended to read:

74847. Persons employed in any of the positions authorized by this article except the marshal shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 74846:

(a) Deputy clerk I ..... Range 16
(b) Deputy clerk II ..... Range 17
(c) Senior deputy clerk ..... Range 18
(d) Chief deputy clerk ..... Range 21
(e) Clerk ..... Range 28
(f) Clerk II ..... Range 15
(g) Deputy marshal—female ..... Range 19
(h) Deputy marshal ..... Range 25
(i) Chief deputy marshal—office supervisors ..... Range 25

Each person employed in the office of the clerk and the office of the marshal, including the clerk and the marshal, on the effective date of the amendments to this section enacted at the 1967 Regular Session of the Legislature shall receive credit for prior continuous service in office including service in departments superseded upon the establishment of the municipal court, and his prior service shall be deemed service in the new position, provided, however, that such credit shall be given only when the judges of the court determine that the officer or employee is entitled to receive it. The clerk, deputy clerks, and attachés of the court shall be appointed at the first step for the range assigned to their classification, except if it is difficult to secure qualified personnel, or if a person of unusual qualifications is hired, the judges may appoint such person at the second step of the range assigned to that classification. In the case of the appointment of the clerk of the municipal court, the judges shall be authorized, if they deem it necessary, to appoint the clerk at a higher step, not to exceed the fifth step of the range assigned to that classification as set forth in Section 74846, and, provided, further, that if the judges are unable to secure a qualified person to fulfill the position of clerk of the municipal court for a salary as hereinabove provided, then the judges with the concurrence of the board of

supervisors may establish a salary at a rate not to exceed eight hundred sixty-two dollars ($862) monthly.

SEC. 7. Section 74848 of the Government Code is amended to read:

74848. All increases in salary shall not be given as matter of right but only when the judges of the court determine that the officer or employee is properly entitled to receive it. Each person employed in the office of the clerk and in the office of the marshal, including the clerk but not including the marshal, may receive an increase in salary at one step of his assigned range on the first day of the month following completion of service in a prior step in accordance with the following schedule:

(a) An increase in salary to the second step of his assigned range after six months of service at the first step.

(b) An increase in salary to the third step of his assigned range after six months of service at the second step.

(c) An increase in salary to the fourth step of his assigned range after 12 months of service at the third step.

(d) An increase in salary to the fifth step of his assigned range after 18 months of service at the fourth step.

Notwithstanding the foregoing provisions of this section, an officer or employee who is promoted or reclassified from one class to another class having a higher overlapping salary range shall receive at least the minimum salary of the new range, if it is greater than his salary prior to promotion or reclassification, or one step greater than his salary prior to promotion, and further, the promoted officer or employee shall be entitled to periodic increases in salary in the new class of position in accordance with time served in the various steps of the new class of position as set forth above.

SEC. 8. Section 74849 of the Government Code is amended to read:

74849. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 of this code and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the judges of the court and with the approval of the Board of Supervisors of the County of Solano, an officer or an employee of the court, except the marshal, whether appointed under the provisions of this article or under Article 4 (commencing with Section 72150) of Chapter 8 of Title 8, may be paid any compensation which is within the ranges and increments set forth in this article in excess of or less than the maximum to which such officer or employee would otherwise be entitled under the salary range established for his classification as set forth in Section 74847. Any such salary adjustment shall not extend longer than 60 days after the final adjournment of the next succeeding regular session of the Legislature after such salary adjustment.

SEC. 9. Section 74850 is added to the Government Code, to read:

74850. Employees of the office of the clerk and marshal, including the clerk and the marshal, shall have the benefits and privileges, not including compensation, provided for employees of the County of Solano in that county's salary ordinance and other ordinances and rules applicable to county employees.

Employees of the office of the clerk and marshal, except the clerk and the marshal, shall be members of the County Civil Service System of the County of Solano to the extent that such membership is not contrary to the provisions of Section 5 of Article VI of the California Constitution, or any other provisions of state law.

CHAPTER 1226

An act to amend Section 71042 of the Government Code, relating to consolidation of judicial districts.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 71042 of the Government Code is amended to read:

71042. From time to time, following its survey of the condition of business in the several courts, the Judicial Council shall submit to the boards of supervisors its recommendations concerning the consolidation or enlargement of judicial districts and other alteration of district boundaries with a view toward creating a greater number of full-time judicial offices, equalizing the work of the judges, expediting judicial business, and improving the administration of justice.

No consolidation of judicial districts shall take place until the board of supervisors has held public hearings on the matter. Notice of such hearings shall be given, stating the date, time, and place they shall be held, at least 15 days prior to the date fixed therefor. Notice shall be published pursuant to Section 6061 in a newspaper of general circulation in the county.

SEC. 2. The provisions of this act shall not apply to a county having a population in excess of 4,000,000, as determined by the 1960 federal census.

CHAPTER 1227

An act to amend Section 20017 of the Education Code, relating to junior college construction.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 20017 of the Education Code is amended to read:

20017. "Weekly student contact hour" means the actual or estimated contact hours of students enrolled in graded junior college classes scheduled to commence before the hour of 4:30 p.m., except that during the first four years of its existence for all purposes, a district which has not acquired facilities as a successor district, may use the actual or estimated contact hours of students enrolled in graded junior college classes during consecutive hours of the day, not to exceed nine.

CHAPTER 1228

An act to amend Section 207 of the Streets and Highways Code, relating to the investment of state funds.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 207 of the Streets and Highways Code is amended to read:

207. The California Highway Commission may by resolution provide a plan under which the department may invest presently unneeded money in the State Highway Fund in bonds or interest bearing notes or obligations of the United States for which the faith and credit of the United States are pledged, for the payment of principal and interest, or in time bank deposits in eligible banks described in Section 16500 of the Government Code or in any securities of federal agencies described in Section 16430 of the Government Code. The department may, with the approval of the State Treasurer, invest such excess funds in accordance with said resolution. All such bonds, notes or obligations purchased under the provisions of this section must be delivered to the State Treasurer, who shall keep them as a portion of the State Highway Fund, and all interest thereon when collected shall be paid into and become a part of the State Highway Fund.

All investments under this section shall be liquidated as soon as the funds invested are required for state highway purposes.

CHAPTER 1229

An act to amend Sections 6545 and 6546 of the Government Code, relating to revenue bonds, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 6545 of the Government Code is amended to read:

6545. "Project" as used in this article means buildings, structures, improvements and all facilities appurtenant thereto or provided therefor together with land and off-street parking facilities necessary therefor to be financed by revenue bonds issued pursuant to this article.

SEC. 2. Section 6546 of the Government Code is amended to read:

6546. In addition to other powers, any agency, commission or board provided for by a joint powers agreement pursuant to Article 1, if such entity has the power to acquire, construct, maintain or operate any one or more of the following projects:

(a) An exhibition building or other place for holding fairs or exhibitions for the display of agricultural, livestock, industrial, or other products;

(b) A coliseum, a stadium, a sport arena or sports pavilion or other building for holding sport events, athletic contests, contests of skill, exhibitions, spectacles and other public meetings;

(c) Any other public buildings;

may issue revenue bonds pursuant to this article to pay the cost and expenses of acquiring or constructing a project for any or all of said purposes.

SEC. 3. The Legislature declares that the foregoing amendments to Section 6545 are clarifying amendments and are intended to be declaratory of the existing law and shall not be construed to represent a change therein.

SEC. 4. This act is an urgency measure 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 such necessity are:

At the 1965 Regular Session the Legislature amended Section 6546 of the Government Code to permit the issuance of revenue bonds for any public building. However, the provisions of law dealing specially with the right to acquire land necessary in connection with such buildings was not expressly provided for. Thus, doubt has arisen concerning whether such acquisitions can be made and pending projects have been placed in question. In order that the law may be clarified and pending projects may be carried on without delay, it is necessary that this act take effect immediately.

CHAPTER 1230

An act to amend Section 3287 of the Civil Code and to amend Section 1033 of the Code of Civil Procedure, relating to interest on judgments.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 3287 of the Civil Code is amended to read:

3287. (a) Every person who is entitled to recover damages certain, or capable of being made certain by calculation, and the right to recover which is vested in him upon a particular day, is entitled also to recover interest thereon from that day, except during such time as the debtor is prevented by law, or by the act of the creditor from paying the debt. This section is applicable to recovery of damages and interest from any such debtor, including the state or any county, city, city and county, municipal corporation, public district, public agency, or any political subdivision of the state.

(b) Every person who is entitled under any judgment to receive damages based upon a cause of action in contract where the claim was unliquidated, may also recover interest thereon from a date prior to the entry of judgment as the court may, in its discretion, fix, but in no event earlier than the date the action was filed.

SEC. 2. Section 1033 of the Code of Civil Procedure is amended to read:

1033. In superior courts, municipal courts and in justice courts the party in whose favor the judgment is ordered, and who claims his costs, must serve upon the adverse party, and file at any time after the verdict or decision of the court, and not later than ten (10) days after the entry of the judgment, a memorandum of the items of his costs and necessary disbursements in the action or proceeding, which memorandum must be verified by the oath of the party, or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct, and that the disbursements have been necessarily incurred in the action or proceeding. A party dissatisfied with the costs claimed may, within five (5) days after the service of a copy of the bill of costs, file a motion to have the same taxed by the court in which the judgment was rendered, or by the judge thereof at chambers.

The clerk or judge shall include in the judgment, or any part of a judgment, entered up by him based upon a cause of action in contract where the claim was unliquidated, interest on the verdict or decision of the court from the date prior to the entry of judgment as may have been fixed by the court

pursuant to subdivsion (b) of Section 3287 of the Civil Code, and the costs, if the same have been taxed or ascertained. In any other case, and where the court determines that interest should not be recovered from a date prior to the entry of judgment under subdivsion (b) of Section 3287 of the Civil Code, the clerk or judge shall include in the judgment entered up by him, any interest on the verdict or decision of the court, from the time it was rendered or made, and the costs, if the same have been taxed or ascertained. The clerk or judge shall, within two days after the costs are tried or ascertained, if not included in the judgment, insert the same in a blank left in the judgment for that purpose, and shall make a similar insertion of the costs in the copies.

CHAPTER 1231

An act to repeal Sections 374 and 375 of the Code of Civil Procedure, relating to personal relations.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 374 of the Code of Civil Procedure is repealed.

SEC. 2. Section 375 of the Code of Civil Procedure is repealed.

CHAPTER 1232

An act to amend Sections 27518, 27589, 27617, 27672, 27675, 27702, 27704 and 27709 of, and to add Article 7.1 (commencing with Section 27751) to Chapter 1 of Part 4 of Division 12 of, the Agricultural Code, as proposed by Senate Bill No. 1, relating to eggs and egg products.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 27518 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

27518. "Firm white" means that the white of the egg is sufficiently thick or viscous to permit but little movement of the yolk.

SEC. 2. Section 27589 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

27589. If eggs are in cases, either in fillers or cartons, or in cartons not in cases, the tolerances for eggs which fail to

comply with the individual weight requirements apply as follows:

(a) If the eggs are in containers which hold more than one dozen eggs, the tolerances shall apply to all of the eggs in the container.

(b) If the eggs are in containers which hold one dozen or less eggs, the tolerances shall apply to all of the eggs in a lot.

SEC. 3. Section 27617 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

27617. If eggs are in cases, either in fillers or cartons or in cartons not in cases, the tolerances for eggs which fail to comply with the quality requirements apply as follows:

(a) If the eggs are in containers which hold more than one dozen eggs, the tolerances shall apply to all of the eggs in the container.

(b) If the eggs are in containers which hold one dozen or less eggs, the tolerances shall apply to all of the eggs in a lot.

SEC. 4. Section 27672 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

27672. An invoice is not required on any of the following:

(a) Eggs which are sold or delivered by a producer to a dealer or retailer for candling and grading.

(b) Eggs which are packed for sale to the armed forces of the United States if the eggs are labeled with one of United States Department of Agriculture grades or any grade adopted by the armed forces.

(c) Containers and subcontainers of eggs which are packed and certified pursuant to the standards of grade and quality and the grading rules which are promulgated by the United States Department of Agriculture.

(d) Containers of eggs covered by a disposal order.

SEC. 5. Section 27675 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

27675. It is unlawful for any person to sell as "fresh eggs," "ranch eggs," or "farm eggs," or to represent as being fresh, any eggs which are below the quality of grade A or which have been held in cold storage over 30 days.

SEC. 6. Section 27702 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

27702. Markings are not required on containers or subcontainers of eggs in any of the following cases:

(a) If they are sold at retail from a properly marked bulk display and packaged in the presence of the purchaser for the immediate purpose of the sale.

(b) If they are packed for sale to the armed forces of the United States and are labeled with one of the United States Department of Agriculture grades or any grade adopted by the armed forces.

(c) If they are packed for shipment or being shipped to points outside of this state.

(d) If the sale is an occasional sale, made without advertising, by the producer, from eggs produced on his own premises.

(e) If the containers or subcontainers are packed and certified pursuant to the standards of grade and quality and the grading rules which are promulgated by the United States Department of Agriculture.

(f) If they are being delivered from outside of the state to dealers in the state for candling and grading.

(g) If they are being delivered to, or are in possession of, a dealer for candling and grading, or are being delivered to cold storage, are in cold storage, or are being removed from cold storage, unless they are eggs which have been in an incubator. Eggs which have been in an incubator shall be marked "hatchery test" together with the name and address of the hatchery of origin.

SEC. 7. Section 27704 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

27704. Markings are not required on containers of eggs which contain properly marked subcontainers.

SEC. 8. Section 27709 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

27709. Designations of size and quality which are required by Section 27708 to be marked upon containers of eggs shall be plainly and conspicuously marked in boldface type letters as follows:

(a) Not less than one-fourth of an inch in height on the outside top face of each container which holds three dozen eggs or less.

(b) Not less than one-fourth inch in height on one outside top, side, or end of any container holding more than three dozen eggs, except any oblong container holding more than three dozen eggs shall be so marked on one outside end.

SEC. 9. Article 7.1 (commencing with Section 27751) is added to Chapter 1 of Part 4 of Division 12 of the Agricultural Code, as proposed by Senate Bill No. 1, to read:

Article 7.1. Ungraded Eggs

27751. Eggs in the shell are exempt from the standards established in this chapter when being transported or delivered to the destination and for the purpose herein set forth or when prepared, loaded, shipped, or sold under the following conditions:

(a) From a packing plant or other location which does not have proper or adequate facilities for grading or reconditioning to a shell egg grading plant which does have adequate facilities.

(b) To an egg breaking or salvaging plant within the state for commercial processing or preserving eggs for resale.

(c) To a location within the state for animal feed or waste disposal.

27752. The enforcing officer may, and when requested by an enforcing officer of the county of destination shall, affix a

warning notice to any vehicle or other means of transportation, or to any load or lot, of eggs which do not conform to the standards established by this chapter, whether or not exempt from such standards, and serve a disposal order upon the owner or person having custody or possession of any such load or lot.

The warning notice, the disposal order directing the proper disposition of such products, and the disposal order receipt to be signed by an enforcing officer at destination confirming such disposition shall be in the form specified by and provided by the director.

The enforcing officer at the point of destination of such load or lot shall determine that the load or lot has been delivered to the consignee at the destination specified in the order and shall thereupon release the load or lot and countersign the disposal order receipt so given to him. He shall immediately forward the receipt to the enforcing officer who served the disposal order.

27753. It is unlawful to deliver any load or lot of eggs subject to a disposal order to any other person or to any other destination than the person or destination shown on the disposal order, unless specifically authorized in writing by an enforcing officer.

It is unlawful to dispose of in any manner, other than to unload and store, any such load or lot prior to the release in writing of the load or lot by the enforcing officer at the point of destination.

27754. Any commissioner may issue to any person residing in his county or maintaining a principal place of business therein a permit to sell, buy, receive, transport, deliver, or cause to be transported eggs exempt from the standards established in this chapter, for any one or more of the purposes set forth in Section 27751; but no permit shall be issued for the purpose set forth in subdivision (a) of Section 27751 unless and until the commissioner has found and determined that the packing plant from which the eggs are to be transported or delivered has not proper and adequate facilities for processing, grading, packing, or reconditioning the particular lot of eggs and that the packing plant to which the eggs are to be transported has such facilities. Such permits may be issued for a period not exceeding 36 months.

No permit issued, except to the seller and the receiver, shall be valid except in the county where issued unless the permit, or a rider securely attached thereto, carries the endorsement of the commissioner of the county (1) to which the eggs are to be transported or delivered and (2) from which such products are to be transported or delivered.

A permittee shall, upon request of any commissioner, furnish such affidavits, receipts and other evidence as such commissioner reasonably may require as proof that the commodities have been disposed of in accordance with the provisions of this chapter and the terms of the permit.

27755. Any commissioner may refuse to issue or to endorse a permit described in Section 27754, or may revoke or suspend any permit or endorsement issued by him, if after investigation and in his judgment the permittee or applicant for permit does not have available proper and adequate facilities with which to pack, process or otherwise dispose of the commodity described in Section 27754, or if the permittee or applicant for permit has previously violated any of the provisions of this chapter or the terms of any permit issued hereunder, or has failed or refused to furnish the evidence required by the commissioner, as provided in Section 27754. Any order of the commissioner refusing to endorse or issue a permit, or suspending or revoking the same shall be in writing.

Any person may appeal to the director, within 10 days, for a hearing upon a written order of the commissioner refusing to endorse or issue a permit, or suspending or revoking the same. The proceedings for such hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. However, the provisions of Sections 11505 and 11506 of the Government Code shall not apply and the statement of issues or accusation, as the case may be, shall be delivered or mailed to the parties as provided in Section 11509 of the Government Code.

Nothing herein contained shall be construed to allow a permittee or applicant to operate pending the disposition of his application or petition. Nothing herein contained shall be construed to prevent the commissioner from suspending or revoking a permit forthwith, and without notice or hearing; provided, however, that such peremptory action must be supported by previous investigation, the results of which reasonably indicate to said commissioner that to allow an existing permit to remain in use pending a hearing would encourage, allow or permit additional or other violations of the provisions of this chapter.

27756. It is unlawful for any person who does not hold a valid permit issued under the provisions of Section 27754 to sell, buy, receive, transport, deliver, or cause to be transported, any eggs which do not conform to such standards.

It is unlawful to transport any eggs which do not conform to such standards unless a valid permit accompanies the vehicle in which such eggs is being transported, and such permit shall be submitted for inspection upon demand of any enforcing officer.

This section shall not apply to:

(a) A common carrier operating over a regular route or between fixed termini and transporting any such eggs in good faith and in accordance with its duties as a common carrier.

(b) Any person transporting eggs from the place where they were produced to a packing plant within the state for first processing, grading, or packing.

(c) Any person transporting eggs in accordance with the terms of a disposal order duly issued under the provisions of Section 27754.

27757. It is unlawful to sell or offer for transportation or delivery any eggs failing to conform to the standards of this chapter to any person required to have a permit under the provisions of Section 27754 of this code unless such person has such permit. Every person selling, delivering or receiving any such nonconforming eggs shall keep an accurate record of all such transactions in such form as the commissioner shall require. All such records shall be kept for at least one year and shall be delivered to the commissioner for his inspection on demand at any time within that period.

CHAPTER 1233

An act to amend Section 2367 of the Education Code, relating to school district organization.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 2367 of the Education Code is amended to read:

2367. A petition transmitted to the county committee pursuant to this article shall be considered at the next regular meeting of the county committee following the county superintendent's transmittal thereof or at a special meeting called for the purpose, and the consideration may be continued for a period not to exceed 30 days.

The county committee shall report in writing to the board of supervisors, county board of education, and to the governing boards of the districts affected as to whether in the opinion of the county committee the proposed transfer would adversely affect the school district organization of the county; and whether it is compatible with any master plans adopted by the county committee; and whether, in the judgment of the committee, the proposed transfer will or will not result in racial integration in the schools of the districts affected by the transfer.

The report may include also any other matter which the county committee desires to bring to the attention of the board of supervisors in connection with the proposed transfer of territory.

CHAPTER 1234

An act to amend Section 18973 of the Government Code, relating to the state civil service.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 18973 of the Government Code is amended to read:

18973. In the case of all other entrance examinations, a veteran with 30 days or more of service and widows of veterans who become eligible for certification from eligible lists by attaining the passing mark established for the examination, shall be allowed one of the following additional credits:

(a) Disabled veterans, 15 points.

(b) All other veterans and widows of veterans, 10 points.

(c) In promotional examinations, three points, irrespective of physical condition; provided that such points shall be granted only during a period within 10 years from the date of release from active duty.

For the purpose of this section, "veteran" means any person who has served full time for 30 days or more in the armed forces in time of war or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, or during the period September 16, 1940, to January 31, 1955, or who has served at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him from the operation of the Selective Training and Service Act of 1940.

For the purpose of this section the termination of World War II shall be considered as of midnight, December 31, 1946.

For the purpose of this section "disabled veteran" means any veteran as defined herein who is currently declared by the United States Veterans Administration to be 10 percent or more disabled as a result of his service. Proof of such disability shall be deemed conclusive if it is of record in the United States Veterans Administration

CHAPTER 1235

An act to add Section 156.5 to the Business and Professions Code, relating to the Department of Professional and Vocational Standards.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 156.5 is added to the Business and Professions Code, to read:

156.5. The director may negotiate and execute for the department and for its component agencies, leases or agreements for short-term hiring of space for examination purposes. Any such lease or agreement is subject to the approval of the Department of General Services.

CHAPTER 1236

An act to amend Sections 5103 and 5138 of the Revenue and Taxation Code, relating to actions for property tax refunds.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 5103 of the Revenue and Taxation Code is amended to read:

5103. If the board of supervisors or city council rejects a claim for refund in whole or in part, the person who paid the taxes, his guardian, executor, or administrator may within six months after such rejection commence an action in the superior court against the county or a city to recover the taxes which the board of supervisors or the city council have refused to refund.

If an applicant for reduction of an assessment states in the application that the application is intended to constitute a claim for refund pursuant to Section 5097, said claim for refund shall be deemed denied on the date of the final installment of the taxes extended on such assessment become delinquent.

No such action hereafter commenced shall be further prosecuted, and no further proceedings shall be had therein, and all such actions hereafter commenced must be dismissed by the court in which the same shall have been commenced, on its own motion, or on the motion of any defendant therein unless the summons shall have been issued and served and the return

thereon made within one year after the commencement of said action, except where the parties have filed a stipulation in writing that the time may be extended.

If all or any portion of the taxes sought to be recovered were collected by officers of the county for a city, an action must be brought against the city for the recovery of such taxes and judgment must be sought against the city. Where actions are brought against both a county and a city such actions may be joined in one complaint.

Any city for which county officers collect taxes may provide for the defense by counsel for the county of actions brought against the city under this article, in which event it shall be the duty of such counsel to defend such actions, or the city may provide that such actions shall be defended by its own counsel.

SEC. 2. Section 5138 of the Revenue and Taxation Code is amended to read:

5138. Within six months after the payment, an action may be brought against a county or a city in the superior court to recover the taxes paid under protest.

No such action hereafter commenced shall be further prosecuted, and no further proceedings shall be had therein, and all such actions hereafter commenced must be dismissed by the court in which the same shall have been commenced, on its own motion, or on the motion of any defendant therein unless the summons shall have been issued and served and the return thereon made within one year after the commencement of said action, except where the parties have filed a stipulation in writing that the time may be extended.

If all or any portion of the taxes paid under protest and sought to be recovered were collected by officers of the county for a city, an action must be brought against the city for the recovery of such taxes and judgment must be sought against the city. Where actions are brought against both a county and a city such actions may be joined in one complaint.

Any city for which county officers collect taxes may provide for the defense by counsel for the county of actions brought against the city under this article, in which event it shall be the duty of such counsel to defend such actions, or the city may provide that such actions shall be defended by its own counsel.

CHAPTER 1237

An act to amend Section 1101 of the Insurance Code, relating to insurance, and making an appropriation therefor.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 1101 of the Insurance Code is amended to read:

1101. (a) An admitted insurer's officers, directors, trustees and any persons who have authority in the management of the insurer's funds, shall not, unless otherwise provided in this code:

(1) Receive any money or valuable thing for negotiating, procuring, recommending or aiding in, any purchase by or sale to such insurer of any property, or any loan from such insurer.

(2) Be pecuniarily interested as principal, coprincipal, agent, attorney or beneficiary, in any such purchase, sale or loan.

(3) Directly or indirectly purchase, or be interested in the purchase of, any of the assets of the insurer.

(b) This section shall not apply to:

(1) The purchase or exchange of stock of an admitted insurer by an admitted insurer or between admitted insurers nor to any merger, consolidation or corporate reorganization of such insurers, and shall not apply as to such purchase, merger, exchange, consolidation or reorganization, nor to the officers, directors, trustees or any persons having authority in the management of such insurers funds in respect to any such transaction and no such transaction shall be either void or voidable, if:

(i) The transaction is just and reasonable as to the insurers involved at the time it is authorized or approved and if no such officer, director, trustee or other person having authority in the management of such insurers funds receives any money or other valuable thing, other than his usual compensation for his regular duties, for negotiating, procuring, recommending or aiding in such transaction, and, either

(ii) Any interest in such transaction on the part of any officers, directors, trustees, or persons who have authority in the management of any such insurer's funds is disclosed or known to its board of directors or committee, authorizing, approving or ratifying the transaction, and noted in the minutes thereof, and the board or committee authorizes, approves or ratifies the transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of any interested officers, directors, trustees, or persons who have authority in the management of the funds of any such insurer, or

(iii) The fact of such interest is disclosed or known to the shareholders in the case of a stock insurance company, or in the case of a mutual insurer to the policyholders, and they approve or ratify the transaction in good faith by a vote or written consent of a majority of the shares or policyholders, as the case may be, entitled to vote, unless the consent or vote of more than a majority is otherwise required, in which event the vote or written consent shall be that so otherwise required.

Any such officer, director, trustee, or other person who has such interest may be counted in determining the presence of a

quorum at any meeting which authorizes, approves or ratifies such transaction.

(2) Any transaction relating to a life insurer if the transaction meets the other requirements of subdivision (b) and such officers, directors, and trustees of the life insurer do not in the aggregate own more than 5 percent of the stock of any corporation with which the life insurer is entering into a transaction.

(3) Any transaction if prior to its consummation the insurer has applied for and obtained from the commissioner a certificate of exemption in respect to the specific transaction therein described and such transaction is consummated in conformity with such certificate and the representations and disclosures made in or in connection with the application therefor.

(i) To obtain the certificate of exemption the insurer shall file with the commissioner a written application, accompanied by a filing fee of two hundred fifty dollars ($250). Such application shall be verified as provided in Section 834, be in such form as the commissioner shall require and shall contain all of the following:

(A) A specific description of the particular transaction for which the certificate is sought.

(B) Copies of all contracts and other legal documents involved or to be involved in the transaction.

(C) A description of all assets involved in the transaction.

(D) The names, titles, capacities and business relationships of all persons in any way involved in the transaction who are connected with the insurer or any of its affiliates, officers, directors, managers, or controlling persons or entities in any of the capacities described in this section.

(E) A description of any and all considerations on either or any side of the transaction.

(F) Evidence that its governing board has specifically authorized the filing of the application.

(G) Such other information, opinions, or matters as the commissioner may require.

The commissioner may issue such certificate of exemption if he finds, with or without a hearing, that the transaction is fair, just and equitable and not hazardous to policyholders, stockholders or creditors. The commissioner may impose such conditions, including but not limited to disclosure of the circumstances and terms of the transaction either before or after its consummation either publicly or to such persons and entities as he may designate and the approval of the transaction by such persons or entities as he may designate. He may also require that a report of the transaction be filed with him subsequent to its consummation in such form and containing such information as he may prescribe.

The certificate of exemption issued pursuant to subparagraph (3) of subdivision (b) shall only exempt the transaction

from the prohibitions of this section and shall not affect the rights or remedies of any persons under any other law.

The amendment made to this section at the 1955 General Session shall not apply to contracts, sales, transfers or other transactions entered into prior to the effective date hereof.

The commissioner shall not issue a certificate of exemption under subparagraph (3) of subdivision (b) in respect to any transaction consummated prior to the effective date of the amendment made to this section at the 1967 Regular Session.

SEC. 2. None of the filing fees provided by this act shall be spent or encumbered unless and until appropriated.

SEC. 3. There is hereby appropriated from the Insurance Fund for use by the Insurance Commissioner in carrying out the responsibilities required by this bill the sum of two thousand five hundred dollars ($2,500), to cover the period from the effective date of this bill through June 30, 1968. It is the intent of the Legislature that the filing fees provided by this act shall reimburse the Insurance Fund for all expenditures made necessary by this act.

CHAPTER 1238

An act to add Article 3 (commencing with Section 3570) to Chapter 19 of Division 1 of the Financial Code, relating to bank investments in international or foreign banking or financing corporations organized under the laws of any state of the United States.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Article 3 (commencing with Section 3570) is added to Chapter 19 of Division 1 of the Financial Code, to read:

Article 3. Bank Investments in International or Foreign Banking or Financing Corporations Organized Under the Laws of Any State of the United States

3570. Any bank may, with the consent of the superintendent, upon such conditions and under such regulations as he may prescribe, invest in the stock of one or more corporations organized under the laws of any state of the United States (other than a corporation organized under the provisions of Article 1 (commencing with Section 3500) of this chapter) and principally engaged in international or foreign banking, or banking in a dependency or insular possession of the United States either directly or through the agency, ownership, or control of local institutions in foreign countries, or in such

dependencies or insular possessions; provided, however, that said stock at the time of the acquisition would constitute a permissible investment for a national bank; and provided, further, that the aggregate amount of stock held in all corporations engaged in business of the kind described in this chapter, together with such bank's investment in foreign branches established under the provisions of Article 2 (commencing with Section 530) of Chapter 4 of this division, shall not exceed 10 percent of the subscribing bank's capital and surplus. Nothing in this section shall be construed in any way to limit the powers conferred by Section 3513 of this code.

CHAPTER 1239

An act to amend Section 14672.1 of, and to add Section 14672.6 to, the Government Code, relating to the letting of state property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 14672.1 of the Government Code is amended to read:

14672.1. Notwithstanding Section 14670, the Director of General Services, with the consent of the Department of Corrections, may let to a nonprofit corporation, for the purpose of conducting an educational and work program for mentally retarded persons, and for a period not to exceed 50 years, real property not exceeding 10 acres, located within the grounds of the Medical Facility at Vacaville, California.

Any lease executed pursuant to this section shall include a provision that such lease shall be canceled if permanent facilities are not constructed on the leased land within five years after the effective date of the amendments to this section enacted at the 1967 Regular Session of the Legislature.

SEC. 2. Section 14672.6 is added to the Government Code, to read:

14672.6. Notwithstanding Section 14670, the Director of General Services, with the consent of the Director of Mental Hygiene, may let to a nonprofit corporation, for the purpose of conducting a canteen for use in connection with Napa State Hospital, and for a period not to exceed 25 years, a building located within the grounds of Napa State Hospital at Napa, California.

SEC. 3. 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 such necessity are:

The programs and facilities proposed by this act to be provided by the nonprofit corporations involved are urgently needed to provide for the education of mentally retarded persons in the Vacaville area and for the betterment of the health and welfare of the inmates and staff of the Napa State Hospital, respectively. It is therefore essential that this act go into immediate effect in order to permit the leases to be executed at the earliest possible time.

CHAPTER 1240

An act to add Section 68097.10 to the Government Code, relating to witnesses.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 68097.10 is added to the Government Code, to read:

68097.10. Whenever a member of the California Highway Patrol, sheriff, deputy sheriff or city policeman appears as a witness pursuant to Section 68097.1 and reimbursement is not made as provided for in Section 68097.2, then the California Highway Patrol, or the public entity employing the sheriff, deputy sheriff or city policeman shall have standing to bring an action in order to recover such funds.

CHAPTER 1241

An act to amend Section 690.24 of the Code of Civil Procedure, relating to exemptions from attachment and execution.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 690.24 of the Code of Civil Procedure is amended to read:

690.24. (a) One motor vehicle of a value not exceeding three hundred fifty dollars ($350), over and above all liens and encumbrances on that motor vehicle, provided that the value of such motor vehicle shall not exceed one thousand dollars ($1,000).

(b) If neither the debtor nor his spouse has an existing homestead as provided by Title 5 (commencing with Section 1237) of Part 4 of Division 2 of the Civil Code, one house trailer actually occupied by debtor and his family of a value not exceeding two thousand five hundred dollars ($2,500) over and above all liens and encumbrances on that house trailer.

CHAPTER 1242

An act to amend Section 446 of the Code of Civil Procedure, to amend Section 27295 of the Government Code, to amend Sections 33135, 33349, 33363.5, 33373, 33375, 33440, 33450, 33452, 33455, 33456, and 33601 of, to amend and renumber Section 33604, as added by Chapter 1991, Statutes of 1965 of, to add Article 4.5 (commencing with Section 33355) to Chapter 4, Part 1, Division 24 of, and Sections 33130.5, 33327, 33457, 33458, and 33674 to, and to repeal Section 33441 of, the Health and Safety Code, relating to public entities.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 446 of the Code of Civil Procedure is amended to read:

446. Every pleading (except in justice courts when the pleadings are oral) shall be subscribed by the party or his attorney. When the state, any county thereof, city, school district, district, public agency, or public corporation, or any officer of the state, or of any county thereof, city, school district, district, public agency, or public corporation, in his official capacity, is plaintiff, the answer shall be verified, unless an admission of the truth of the complaint might subject the party to a criminal prosecution, or, unless a county thereof, city, school district, district, public agency, or public corporation, or an officer of the state, or of any county, city, school district, district, public agency, or public corporation, in his official capacity, is defendant. Except in justice courts, when the complaint is verified, the answer shall be verified. In all cases of a verification of a pleadings, the affidavit of the party shall state that the same is true of his own knowledge, except as to the matters which are therein stated on his information or belief, and as to those matters that he believes it to be true; and where a pleading is verified, it shall be by the affidavit of a party, unless the parties are absent from the county where the attorney has his office, or from some cause unable to verify it, or the facts are within the knowledge of his attorney or other person verifying the same. When the pleading is verified by the attorney, or any other person except one of the parties, he shall set forth in the affidavit the reasons why it is not made by one of the parties.

When a corporation is a party, the verification may be made by any officer thereof. When the state, any county thereof, city, school district, district, public agency, or public corporation, or an officer of the state, or of any county thereof, city, school district, district, public agency, or public corporation, in his official capacity is plaintiff, the complaint need not be verified; and if the state, any county thereof, city, school district, dis-

trict, public agency, or public corporation, or an officer of such state, county, city, school district, district, public agency, or public corporation, in his official capacity is defendant, its or his answer need not be verified.

When the verification is made by the attorney for the reason that the parties are absent from the county where he has his office, or from some other cause are unable to verify it, or when the verification is made on behalf of a corporation or public agency by any officer thereof, such attorney's or officer's affidavit shall state that he has read the pleading and that he is informed and believes the matters therein to be true and on that ground alleges that the matters stated therein are true; provided that in such cases the pleadings shall not otherwise be considered as an affidavit or declaration establishing the facts therein alleged.

A person verifying a pleading need not swear to the truth or his belief in the truth of the matters stated therein but may, instead, assert the truth or his belief in the truth of such matters "under penalty of perjury."

SEC. 2. Section 27295 of the Government Code is amended to read:

27295. Where real property acquired by a municipality or a redevelopment agency is to be transferred in accordance with an official redevelopment plan any contract for such transfer and the official redevelopment plan (or such part or parts of such contract or plan as the municipality or agency may determine) may be recorded pursuant to this chapter.

SEC. 2.5. Section 33130.5 is added to the Health and Safety Code, to read:

33130.5. Notwithstanding any other provisions of law, an officer, employee, consultant, or agent of the agency or community, for personal residential use, may purchase or lease property within a project area after the agency has certified that the improvements to be constructed or the work to be done on the property to be purchased or leased have been completed, or has certified that no improvements need to be constructed or that no work needs to be done on the property. Any such officer or employee who purchases or leases such property shall immediately make a written disclosure to the agency and the legislative body, which disclosure shall be entered on the minutes of the agency. Any such officer or employee shall thereafter be disqualified from voting on any matters directly affecting such a purchase, lease, or residency. Failure to so disclose constitutes misconduct in office.

SEC. 3. Section 33135 of the Health and Safety Code is amended to read:

33135. Upon request from and at the expense of any public body, an agency may, outside any survey area, with the approval of the legislative body, provide (1) relocation assistance to persons displaced by governmental action, and (2) aid and assistance to property owners in connection with rehabilitation loans and grants.

SEC. 3.5. Section 33327 is added to the Health and Safety Code, to read:

33327. After receipt of any preliminary plan pursuant to Section 33325, the agency shall transmit:

(1) A description of the boundaries of the project area.

(2) A statement that a plan for the redevelopment of the area is being prepared.

(3) A map indicating the boundaries of the project area to the auditor and tax assessor of the county in which the proposed project is located, or to the officer or officers performing the functions of the auditor or assessor for any taxing agencies which, in levying or collecting its taxes, do not use the county assessment roll or do not collect its taxes through the county.

Thereafter, if the boundaries of the proposed project are changed to increase the land within the project area, the agency shall notify such taxing officials by transmitting a description and map indicating each such boundary change made.

SEC. 4. Section 33349 of the Health and Safety Code is amended to read:

33349. The agency shall publish notice of the hearing not less than once a week for four successive weeks prior to the hearing. The notice shall be published in a newspaper of general circulation, printed and published in the community, or if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the area or areas designated in the proposed redevelopment plan and a general statement of the scope and objectives of the plan. Copies of the notices shall be mailed to the last known assessee of each parcel of land in the area designated in the redevelopment plan, at his last known address as shown on the last equalized assessment roll of the county; or where a city assesses, levies, and collects its own taxes, as shown on the last equalized assessment roll of the city; or to the owner of each parcel of land within such boundaries as such ownership is shown on the records of the county recorder 30 days prior to the date the notice is published. The notice shall be mailed by certified mail with return receipt requested.

SEC. 4.5. Article 4.5 (commencing with Section 33355) is added to Chapter 4, Part 1, Division 24 of the Health and Safety Code, to read:

Article 4.5. Alternative Procedures for a Joint Public Hearing by the Agency and the Legislative Body

33355. As an alternative to the separate public hearings required by Sections 33348 and 33360 of this part, the agency and the legislative body, with the consent of both, may hold a joint public hearing on a redevelopment plan. The presiding officer of the legislative body shall preside over such joint public hearing.

33356. Prior to such joint public hearing, the agency shall submit the plan to the planning commission by the same procedure as is provided in Section 33346, and to the legislative body. The submission of the plan to the legislative body shall be the report required by Section 33352. Notice of the joint public hearing shall conform to all requirements prescribed by Sections 33349, 33350, and 33361. The joint public hearing shall thereafter proceed by the same requirements as are provided in Sections 33360, 33362, 33363, and 33363.5.

33357. After the close of the joint public hearing, the agency may proceed to approve the plan and submit its approval together with any recommendations for changes to the legislative body. If the agency desires to recommend any changes in the plan, such changes shall be submitted to the planning commission for its report and recommendation by the same procedure as is provided in Sections 33346 and 33347.

33358. After receipt of the approval and any recommendations for changes as well as the report and recommendation of the planning commission of the recommended changes, the legislative body may proceed to act upon the plan pursuant to Sections 33363.5 to 33375, inclusive.

33359. When a joint public hearing is held where the legislative body is also the agency, action to approve and adopt the plan need be taken only by the legislative body. At the conclusion of the joint public hearing on the plan, the legislative body may proceed to adopt the plan pursuant to Sections 33363.5 to 33375, inclusive, with no further actions necessary by the agency, even as to the recommendations required of the agency by Section 33363.5.

SEC. 4.7. Section 33363.5 of the Health and Safety Code is amended to read:

33363.5. After the redevelopment plan and accompanying documents have been submitted by the agency to the legislative body and at any time prior to the adoption of the plan, the legislative body upon the recommendation of the agency, without additional agency public hearings, may change such plan, or change the boundaries of the project area to exclude land from the project area, after receipt of a report and recommendation from the planning commission concerning such changes. The planning commission may recommend for or against the changes. Within 30 days after a change is submitted to it for consideration the planning commission shall make and file its report and recommendation with the legislative body. If the planning commission does not report upon the change within 30 days after its submission by the legislative body, the planning commission shall be deemed to have waived its report and recommendation concerning the change and the legislative body may proceed to act upon the plan without the report and recommendation of the planning commission. The legislative body shall consider any proposed changes at a public hearing reopened for that limited purpose.

SEC. 5. Section 33373 of the Health and Safety Code is amended to read:

33373. After the adoption of the redevelopment plan by the legislative body there shall be recorded with the county recorder of the county in which the project area is situated a description of the land within the project area and a statement that proceedings for the redevelopment of the project area have been instituted under this part. Additional recordation of documents may be effected pursuant to Section 27295 of the Government Code

SEC. 6. Section 33375 of the Health and Safety Code is amended to read:

33375. After the adoption by the legislative body of a redevelopment plan which contains the provision permitted by Section 33670, the clerk of the community shall transmit a copy of the description and statement recorded pursuant to Section 33373, a copy of the ordinance adopting the plan, and a map or plat indicating the boundaries of the project area to the auditor and tax assessor of the county in which the project is located; to the officer or officers performing the functions of auditor or assessor for any taxing agencies which, in levying or collecting its taxes, do not use the county assessment roll or do not collect its taxes through the county; to the governing body of each of the taxing agencies which levies taxes upon any property in the project area; and to the State Board of Equalization.

Such documents shall be transmitted as promptly as practicable following the adoption of the redevelopment plan, but in any event, on or before the January 1st next following the adoption of the plan. The legal effect of such transmittals shall be as set forth in Section 33674.

SEC. 7. Section 33440 of the Health and Safety Code is amended to read:

33440. This part does not authorize an agency to construct any of the buildings for residential, commercial, industrial, or other use contemplated by the redevelopment plan, except that, in addition to its powers under Section 33445, an agency may construct foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights sites for buildings to be used for residential, commercial, industrial, or other uses contemplated by the redevelopment plan.

SEC. 8. Section 33441 of the Health and Safety Code is repealed.

SEC. 8.5. Section 33450 of the Health and Safety Code is amended to read:

33450. If at any time after the adoption of a redevelopment plan for a project area by the legislative body, it becomes necessary or desirable to amend or modify such plan, the legislative body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or

modify a redevelopment plan may include a change in the boundaries of the project area to exclude land from the project area.

SEC. 9. Section 33452 of the Health and Safety Code is amended to read:

33452. Notice of such hearing shall be published pursuant to Section 6063 of the Government Code prior to the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the project area by reference to the description recorded with the county recorder pursuant to Section 33373 and a general statement of the purpose of the amendment. Copies of the notices shall be mailed to the last known assessee of each parcel of land not owned by the agency within such boundaries, at his last known address as shown on the last equalized assessment roll of the county; or where a city assesses, levies, and collects its own taxes, as shown on the last equalized assessment roll of the city; or to the owner of each parcel of land within such boundaries as such ownership is shown on the records of the county recorder 30 days prior to the date the notice is published, and to persons, firms, or corporations which have acquired property within such boundaries from the agency, at his last known address as shown by the records of the agency. The notice shall be mailed by certified mail with return receipt requested.

SEC. 9.5. Section 33455 of the Health and Safety Code is amended to read:

33455. After receiving the recommendation of the agency concerning such changes in the plan, the legislative body upon further recommendation by the agency, without additional agency public hearing, may make further changes, including changes in area or boundaries to exclude land from the project area, for consideration at the public hearing. If such changes are substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, such changes shall be submitted to the planning commission for its report and recommendation to the legislative body within 30 days after such submission. If the planning commission does not report upon the changes within 30 days after its submission by the legislative body, the planning commission shall be deemed to have waived its report and recommendation concerning the changes. If after the public hearing the legislative body determines that the amendments in the plan, proposed by the agency, or the further recommended changes by the agency are necessary or desirable, the legislative body shall adopt an ordinance amending the ordinance adopting the plans thus amended. The legislative body shall consider any proposed changes at a public hearing reopened for that limited purpose.

SEC. 10. Section 33456 of the Health and Safety Code is amended to read:

33456. Amendments to a plan adopted pursuant to this article may be recorded in compliance with Section 27295 of the Government Code as promptly as practicable following adoption by the legislative body.

SEC. 11. Section 33457 is added to the Health and Safety Code, to read:

33457. After the amendment of a redevelopment plan to add the provision permitted by Section 33670, or to reduce the boundaries of the project area, the clerk of the community shall transmit a copy of the ordinance amending the plan, a description of the land within the project area, a copy of the ordinance adopting the plan, and a map or plat indicating the boundaries of the project area to the auditor and tax assessor of the county in which the project is located; to the officer or officers performing the functions of the auditor or assessor for any taxing agencies which, in levying or collecting its taxes, do not use the county assessment roll or do not collect its taxes through the county; to the governing body of each of the taxing agencies which levies taxes upon any property in the project area; and to the State Board of Equalization.

Such documents shall be transmitted as promptly as practicable following the adoption of the amended redevelopment plan, but in any event, on or before the January 1st next following the adoption of the amended plan. The legal effect of such transmittal shall be as set forth in Section 33674.

SEC. 11.5. Section 33458 is added to the Health and Safety Code, to read:

33458. As an alternative to the separate public hearing required by Sections 33451 and 33454, the agency and the legislative body, with the consent of both, may hold a joint public hearing on the proposed amendment. The presiding officer of the legislative body shall preside over such joint public hearing. Prior to such joint public hearing, the agency shall submit the proposed changes to the planning commission as provided in Section 33453. Notice of the joint public hearing shall conform to all requirements of Section 33452. The joint public hearing shall thereafter proceed by the same requirements as are provided in Sections 33450 and 33454 to 33455, inclusive.

When a joint public hearing is held where the legislative body is also the agency, the legislative body may adopt the amended plan with no actions necessary by the agency, even as to the recommendations required of the agency by Sections 33454 and 33455.

SEC. 12. Section 33601 of the Health and Safety Code is amended to read:

33601. An agency may borrow money or accept financial or other assistance from the state or the federal government for any redevelopment project within its area of operation, and may comply with any conditions of such loan or grant.

An agency may borrow money (by the issuance of bonds or otherwise) or accept financial or other assistance from any private lending institution for any redevelopment project for any of the purposes of this part, and may execute trust deeds or mortgages on any real or personal property owned or acquired.

SEC. 13. Section 33604 of the Health and Safety Code, as added by Chapter 1991, Statutes 1965, is amended and renumbered to read:

33605. In connection with the issuance and sale of preliminary loan notes, secured by a requisition agreement with the United States of America, the agency may delegate to one or more of its agents or employees the powers or duties it deems proper.

SEC. 14. Section 33674 is added to the Health and Safety Code, to read:

33674. The portion of taxes mentioned in subdivision (b) of Section 33670 shall not be allocable and payable for the first time until the tax year which begins after the January 1st next following the transmittal of the documents as required in Section 33375 or Section 33457.

CHAPTER 1243

An act to add Section 771 to the Financial Code, relating to bank service corporations.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 771 is added to the Financial Code to read:

771. With the prior written consent of the superintendent, two or more banks may invest in the stock of a corporation engaged exclusively in the business of performing for one or more banks such bank services as check and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices and similar items, or any other clerical, bookkeeping, accounting, statistical, or similar functions performed for a bank; provided that the aggregate investment of any bank in such corporation at any one time shall not exceed 10 percent of the capital and surplus of the bank; and provided, further, that the corporation shall furnish to the superintendent satisfactory assurances that the performance of services by the such corporation will be subject to regulation and examination by the superintendent to the same extent as if such services were being performed by the bank itself on its own premises.

CHAPTER 1244

An act to amend and renumber Sections 25457.5 and 25457.6 (as added by Chapter 1572 of the Statutes of 1965) of, and to add Section 25457.3 to, the Education Code, relating to junior colleges, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 25457.5 of the Education Code is amended and renumbered to read:

25457.2. On or before September 15, 1967, the county committee on school district organization of each county shall submit plans and recommendations for the inclusion of all of the territory of the county in one or more junior college districts, or for the annexation to existing junior college districts of territory not a part of any junior college district. Notwithstanding the provision of Section 25465, if the plan prepared by the county committee proposes the annexation of territory to an existing junior college district which maintains not more than two junior colleges, an agreement to the annexation by the junior college board shall not be required.

SEC. 2. Section 25457.3. is added to the Education Code, to read:

25457.3. Notwithstanding the provision of Section 25457.2, the State Board of Education may grant a one-year extension of time for submitting plans and recommendations to counties having special problems resulting from topography and isolation. Appeals for exception to the provision of Section 25457.2 must be made to the State Board of Education by the county committee on school district organization on or before September 15, 1967.

SEC. 3. Section 25457.6 of the Education Code (as added by Chapter 1572 of the Statutes of 1965) is amended and renumbered to read:

25457.8. If the county committee on school district organization fails to submit plans and recommendations, as provided in Section 25457.2, except when a one-year extension of time has been given under the provisions of Section 25457.3 and this section, the Department of Education shall prepare a plan or plans and submit them to the State Board of Education on or before September 15, 1968, for its approval. If the one-year extension of time has been given under the provisions of Section 25457.3 and this section, the Department of Education shall prepare a plan or plans and submit them to the State Board of Education on or before September 15, 1969, for its approval. Plans formulated by the Department of Education may include any or all provisions authorized to be in-

cluded in a recommendation of a county committee pursuant to Chapter 10 (commencing with Section 3101), Division 5, and Chapter 2 (commencing with Section 25430), Division 18.5, of the Education 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 such necessity are: The Legislature has declared its policy that territory of all high school districts and unified districts shall be included in districts maintaining a junior college and has set September 15, 1967 as the deadline for submission of the plans and recommendations of the county committees on school district organization to accomplish such policy. Some counties have special problems resulting from topography and isolation. In order that such counties may have a one-year extension of time to resolve such problems, it is necessary that this act go into effect immediately.

CHAPTER 1245

An act to amend Section 25457.6 (as added by Chapter 910, Statutes of 1965) of, and to add Section 25457.9 to, the Education Code, relating to junior colleges.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 25457.6 of the Education Code (as added by Chapter 910, Statutes of 1965) is amended to read:

25457.6. A county committee on school district organization may formulate plans and recommendations for the formation of a junior college district as a preliminary step to the inclusion of such district in a larger junior college district for which plans and recommendations have been or are being formulated. The plans and recommendations for the proposed district to be formed as a preliminary step and the plans and recommendations for the proposed larger district shall be submitted to and considered by the State Board of Education at the same time, as though the whole were a single proposal.

Plans and recommendations formulated pursuant to this section may include a requirement that bonds of the preliminary junior college district be authorized in an amount specified by the county committee on school district organization for the purpose of paying an equitable share of the cost of the property to be owned or held by the larger junior college district in which the preliminary junior college district is to be included. When such a requirement is included in the plans and recommendations, the county superintendent shall call

and conduct a bond election to be held concurrently with the election on formation of the preliminary junior college district.

Sections 25431 and 25431.5 of this code shall not apply to the formation of a junior college district as a preliminary step to the inclusion of such district in a larger junior college district.

If plans and recommendations submitted pursuant to the section are approved by the State Board of Education, the county superintendent of schools shall call elections on the question of approval of each of the proposals on dates fixed by the county committee on school district organization, but with the dates of the elections on the formation of the preliminary junior college district and the formation of the larger junior college district to be no less than 60 days apart. The election on the formation of the larger junior college district shall be held only if the election on the formation of the preliminary junior college district and, if required, the bond election are successful.

If an election to form a junior college district as a preliminary step to the inclusion of such a district in a larger junior college district is successful, the district shall not become effective for any purpose until the formation of the larger junior college district has been approved at an election and the election results have been certified as required by law.

SEC. 2. Section 25457.9 is added to the Education Code, to read:

25457.9. Notwithstanding Section 1706, specific provision is made that a junior college district formed pursuant to Section 25457.6 as a preliminary step to inclusion in a larger junior college district also formed pursuant to Section 25457.6 shall continue to exist as a district for the purpose of issuing and selling bonds in the amount specified by the county committee on school district organization, the proceeds of which are to be transferred to the larger junior college district on or after the date the formation of such larger junior college district becomes effective for all purposes.

CHAPTER 1246

An act relating to school district reorganization proceedings in Placer, Sutter and Yuba Counties, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. The Legislature hereby finds and declares that unique and special circumstances exist justifying the enactment of laws dealing particularly with the organization or re-

organization of that school district territory in Placer County, Sutter County and Yuba County heretofore included within the East Nicolaus Joint Union High School District and the Wheatland Union High School District, and which is proposed to be formed into a new unified school district to be known as the Wheatland-East Nicolaus Unified School District. The unique and special circumstances include the following: On or about June 7, 1966, an election was held within this territory on the question of the formation of the proposed unified school district. The proposal was approved by a majority of some 30 votes of a total in excess of 1,400 votes cast and counted. After the election, judicial proceedings were commenced challenging the validity, under controlling statutes, of procedures involved in the call and conduct thereof. Though relief in the form of setting aside the election and the unification was denied by the trial court (on the basis of failure to comply with procedural requirements determined to be applicable to court proceedings contesting the election), it was found and determined by the court that the voters of the territory had been misled, to the extent that the outcome of the election was probably affected, by misinformation appearing on a statement or notice concerning the election. An appeal from this decision of the trial court has been perfected, and a final decision in the matter will, in all likelihood, not be issued prior to July 1, 1967, at which time the new unified school district is scheduled to take effect for all purposes. Should the final decision of an appellate court declare null and void or set aside the election and the formation of the unified district, serious disruption in the local administration of the schools of the territory will very probably ensue.

SEC. 2. Notwithstanding any provision of law to the contrary, the formation of the unified school district described in Section 1 of this act, known as the Wheatland-East Nicolaus Unified School District, and comprised of territory in Placer County, Yuba County and Sutter County formerly included within the Wheatland Union High School District and the East Nicolaus Joint Union High School District, and all proceedings attendant upon such formation, are hereby validated, ratified, confirmed and declared legally effective for all purposes, and the said new unified school district shall take effect for all purposes within the meaning of Section 1704 of the Education Code on July 1, 1967, but subject to the conditions and requirements hereinafter prescribed.

(a) The county superintendent of schools having jurisdiction of the new unified school district shall, pursuant to the provisions of Chapter 10 (commencing with Section 3100) of Division 5 of the Education Code, and other applicable statutes governing the submission of plans and recommendations for the reorganization of school district territory formulated under that chapter to the electors of any territory included within the same, call and conduct an election to be held on November 7, 1967, at which shall be submitted to the electors within the

said new unified school district the identical proposal for the reorganization (unification) thereof as was submitted to the electorate on or about June 7, 1966.

(b) In the event that the proposal resubmitted to the electors pursuant to subdivision (a) is approved by a majority of the votes cast at the election, such action shall be deemed conclusive as to the validity of the formation and legal existence of the said new unified school district for all purposes.

(c) In the event that the proposal resubmitted to the electors pursuant to subdivision (a) is not approved by the electors, the said new unified school district shall be dissolved and cease to exist on and after July 1, 1968. The East Nicolaus Joint Union High School District, the Wheatland Union High School District, and all elementary school districts included within those high school districts prior to formation of the said new unified school district shall be restored to existence as though no unification had at any time taken place. For such purposes the certification of the election results by the county superintendent of schools shall form the basis for the making of the necessary orders by the boards of supervisors of Placer County, Yuba County and Sutter County pursuant to Section 1647 of the Education Code, and the orders shall be deemed to be actions to organize or reorganize the districts for purposes of Article 4 (commencing with Section 1701) of Chapter 1 of Division 5 of the Education Code. New governing boards shall, thereafter, in January 1968, be elected for each of such districts at a special election called and conducted in the manner prescribed by laws governing the calling and conduct of school district governing board elections

SEC. 3. All state and local officers and agencies are hereby authorized and directed to undertake all actions necessary to effectuate this act.

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 such necessity are:

In order that the urgently needed relief afforded by the provisions of this act may be availed of and the necessary procedures may be commenced upon as soon as possible, and in order to avoid any and all disruption in local school administration which might result from any judicial nullification of previously completed proceedings affecting the school district territory which is the subject of this act, it is necessary that this act take effect immediately.

CHAPTER 1247

An act to amend Section 17507 of the Education Code, relating to public school system.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 17507 of the Education Code is amended to read:

17507. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades one to three, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty-three (33) in each class having an enrollment of thirty-three (33) or more.

(b) For grades four to eight, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess, if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subsection (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to dis-

trict change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades one, two and three reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty-three (33) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 17601.1 by twice of the product determined under subdivision (c) of this section.

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty-three (33) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 17601.1 by twice of the resulting product. Change in average daily attendance shall be determined by dividing average daily attendance in grades four to eight, inclusive, reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty-three (33) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to twice the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 17601.1 by this total amount.

(g) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty-three (33) per class determined pursuant to subdivision (a) of this section, there is an excess number of pupils computed pursuant to subdivision (b) of this section, and the average number of pupils enrolled in each class determined pursuant to subdivision (a) of this

section is less than thirty (30), he shall decrease the average daily attendance reported under the provisions of Section 17601.1 by one-half of the decrease otherwise computed for the district pursuant to subdivision (f) of this section.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964–65 and each year thereafter the information required for the determinations to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction. Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular schoolday.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

Whenever the number thirty-three (33) is required to be used in any part of this section, relating to grades one to three, inclusive, of a school district for the fiscal year 1965–66, the following numbers shall be substituted during succeeding years: thirty-two (32) for the fiscal year 1966–67; thirty-one (31) for the fiscal year 1967–68; thirty (30) for the fiscal year 1968–69 and each year thereafter.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964–65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have

been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 17601.1 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.

CHAPTER 1248

An act to amend Section 11543.5 of the Business and Professions Code, to amend Section 23010.3 of, and to add Section 50143 to, the Government Code, and to amend Sections 55358, 55359, 55360, and 55361 of the Water Code, relating to reimbursement of construction costs of public improvements.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 11543.5 of the Business and Professions Code is amended to read:

11543.5. A local ordinance may require the payment of a fee as a condition of approval of a final subdivision map for purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas.

Such local ordinances may require payment of fees pursuant to this section if:

(1) The ordinance was adopted 30 days prior to the filing of the tentative map of any subdivision for which payment of a fee is required;

(2) The ordinance refers to a drainage plan adopted for a particular drainage area, which contains an estimate of the total costs of constructing the local drainage facilities required by the plan, and a map of the drainage area showing its boundaries and the location of planned drainage facilities;

(3) The drainage plan, in the case of a city, situated in a county having a countywide general drainage plan, has been determined by resolution of the governing body of the county to be in conformity with the county drainage plan, or in the case of a city situated in a county not having a countywide general drainage plan but in a district having a general drain-

age plan, has been determined by resolution of the governing body of the district to be in conformity with the district general plan, or in the case of a city situated in a county having a countywide general drainage plan and in a district having a general drainage plan, has been determined by resolution of the governing body of the county to be in conformity with the county drainage plan and by resolution of the governing body of the district to be in conformity with the district general plan;

(4) The costs, whether actual or estimated, are based upon findings by the governing body that subdivision and development of property within the planned local drainage area will require construction of the facilities described in the drainage plan, and that the fees are fairly apportioned within the local drainage area either on the basis of benefits conferred on property proposed for subdivision or on the need for local drainage facilities created by the proposed subdivision and development of other property within the local drainage area;

(5) The fee as to any property proposed for subdivision within a local drainage area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within the local drainage area which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.

(6) The drainage facilities planned are in addition to existing local drainage facilities serving the area at the time of the adoption of the drainage plan for the area.

Fees required by an ordinance adopted pursuant to this section shall be paid into a "planned local drainage facilities fund." A separate fund shall be established for each local drainage area. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of local drainage facilities within the planned local drainage area from which the fees comprising the fund were collected, or to reimburse the county or city for the cost of engineering and administrative services to form the district and design and construct the facilities. An ordinance adopted pursuant to this section may provide for the acceptance of cash or other consideration in lieu of the payment of fees.

A county or city imposing fees pursuant to this section may advance money from its general fund to pay the costs of constructing drainage facilities within a local drainage area and reimburse the general fund for such advances from the planned local drainage facilities fund for the local drainage area in which the drainage facilities were constructed.

A county or city imposing fees pursuant to this section may incur an indebtedness for the construction of drainage facilities within a local drainage area; provided that the sole security for repayment of such indebtedness shall be moneys in the planned local drainage facilities fund.

SEC. 2. Section 23010.3 of the Government Code is amended to read:

23010.3. Upon adoption of an authorizing resolution by the board of supervisors, in connection with the construction of any sanitary sewer, storm sewer, or drainage improvements, a county may expend any of its available funds for any additional cost of construction of any conveyance works in excess of the construction required for the current project, if the board of supervisors first finds and declares in the aforementioned resolution, (a) that there is an area outside the area to be served by the current project which may in the future utilize the conveyance works; (b) that additional construction of conveyance works for the current project is necessary to serve the outside area in the future; and (c) that the board of supervisors will have the right in the future to use, or to permit the use of, the conveyance works and the additional construction which will benefit the outside area.

The provisions of this section shall be applicable in cases in which improvements are to be constructed by any of the following:

(a) A county pursuant to the "The Improvement Act of 1911," Division 7 (commencing with Section 5000) of the Streets and Highways Code.

(b) A county pursuant to the "Municipal Improvement Act of 1913," Division 12 (commencing with Section 10000) of the Streets and Highways Code.

(c) A county in any other manner.

(d) Any district which is governed by the board of supervisors of the county in which the work is to be performed.

(e) Any district, not governed by the board of supervisors of the county in which the work is to be performed, with which the board of supervisors has contracted so as to assure the right of the county to use the conveyance works and the additional construction, for the future benefit of the outside area.

(f) Any incorporated city with which the board of supervisors has contracted so as to assure the right of the county to use the conveyance works and the additional construction, for the future benefit of the outside area.

(g) Any person, if the works when completed are to be dedicated or conveyed to the county or to a district governed by the board of supervisors of the county in which the work is to be performed.

The board of supervisors may impose a connection fee upon any person or district in the outside area to be paid to the county as a condition to connecting to any conveyance works which have been augmented by additional construction pursuant to this section. The connection fee shall be a prorated share of the total cost of the additional construction. In computing the total cost of the additional construction, the board of supervisors may include an amount attributable to interest. Interest shall not exceed 4 percent per annum from the date of completion of the construction to the date of connection.

This section shall not decrease or limit any other power vested in counties or boards of supervisors.

SEC. 3. Section 50143 is added to the Government Code, to read:

50143. When property is subject to a fee which has been or may be imposed under the authority of this article and also to a fee which has been or may be imposed under the authority of Article 3 (commencing with Section 11535) of Chapter 2 of Part 2 of Division 4 of the Business and Professions Code, payment of either fee shall be deemed payment of both fees.

SEC. 4. Section 55358 of the Water Code is amended to read:

55358. Whenever for any reason water system facilities are proposed to be installed in a district by someone other than the district itself, or the installation cost is proposed to be paid by someone other than the district itself, and the facilities are to be thereafter dedicated to the district for public use, and the board determines that it is necessary and convenient to the purposes of the district that the acceptance of said dedication be conditional upon the water system facilities being adequate to serve land other than and in addition to land proposed by the installer to be served thereby, the board may by contract agree to reimburse and may reimburse the installer for the proportionate part of the total cost of such water system facilities which will serve and benefit other land, upon such terms as may be agreed upon.

SEC. 5. Section 55359 of the Water Code is amended to read:

55359. The reimbursement contract may provide that the reimbursement will be made in periodic payments over an agreed period of time not to exceed 10 years, exclusively out of charges imposed upon land and collected from persons owning the land other than the land proposed by the installer to be served by the water system facilities. The other land that may connect to and be served by the water system facilities shall be specified in the contract.

SEC. 6. Section 55360 of the Water Code is amended to read:

55360. Under no circumstances shall the total amount of all reimbursement payments made or agreed to be made exceed the amount, specified in said contract, for the total cost of the water system facilities exclusive of the costs attributable to the land of the installer. An amount attributable to interest may also be included in the contract, at a rate not to exceed 4 percent per annum from the date of installation to the date of connection of other land to the facilities.

SEC. 7. Section 55361 of the Water Code is amended to read:

55361. Whenever a district has contracted to reimburse an installer for the installation of water system facilities, it may impose upon land and collect from any person owning the

land, other than the land designated in the contract as proposed by the installer to be served therefrom, which may connect to and receive water service from or through said water system facilities, a reasonable charge representing the proportionate share of the estimated cost of replacement or the proportionate share of the total installation cost of said water system facilities which is fairly attributable to the land which may receive water service. An amount attributable to interest may be included in the charge at a rate not to exceed 4 percent per annum from the date of installation to the date of connection of other land to the facilities.

CHAPTER 1249

An act to amend Section 13188 of the Education Code, relating to California teaching credentials.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 13188 of the Education Code is amended to read:

13188. As used in this article:

(a) "Academic subject matter area" refers exclusively to the natural sciences, the social sciences (other than education and educational methodology), the humanities, mathematics, and the fine arts. The State Board of Education may consider a given subject matter major, whatever its title, to be an academic subject matter major if it finds that at the specific institution the required courses and the content of such courses within the major are equivalent to those of an academic subject matter major.

(b) "Specialized preparation" means training and education designed to prepare a person to serve as a librarian and to teach librarianship or to serve as a teacher of exceptional children, as designated on the credential.

(c) "Degree" includes any certificate, diploma, or other document granted by a foreign institution of higher learning, regardless of its degree or graduation policies, which is certified by the State Board of Education as representing academic qualifications and standards equivalent to those of a degree granted by universities and colleges in the United States and fulfilling the academic requirements for a California teaching credential.

CHAPTER 1250

An act to amend Sections 13723.4 and 13723.6 of the Education Code, relating to school district employees.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 13723.4 of the Education Code is amended to read:

13723.4. The commission shall, by rule, provide for an open competitive examination and a promotional examination to be held at the same time for the position of business manager or for any other single position class which it declares to be at or above the level of business manager. It shall require that all educational and work experience requirements be developed to fit the needs of the position in such a manner that the position will attract competent and qualified applicants from within the classified service, among certificated personnel, or other persons meeting the minimum requirements established for the position.

Such rule shall provide: (a) that all permanent employees of the district, classified and certificated, who meet the established minimum qualifications, shall be eligible to compete in the examination as promotional candidates; (b) that promotional credits, including seniority credits, if any, shall be equally applicable to both classified and certificated promotional candidates; (c) that eligibility lists resulting from such an open competitive and promotional examination shall be merged according to the order of the examination scores into a single eligibility list, after the scores of each candidate on the promotional list have been adjusted for promotional credits, including seniority credits, if any; and (d) that the examination for any such position shall not be construed to be an entrance level position examination.

SEC. 2. Section 13723.6 of the Education Code is amended to read:

13723.6. The commission shall, by rule, provide for an open competitive examination and a promotional examination to be held at the same time for the positions that existed or could be created, when such positions become available for competitive examination, under the provisions of subdivisions (m), (n), and (o) of Section 13055 of this code as those subdivisions existed prior to their repeal by action of the 1965 General Session of the Legislature.

Such rule shall provide: (a) that all permanent employees of the district, classified and certificated, who meet the established minimum qualifications, shall be eligible to compete in the examination as promotional candidates; (b) that promotional credits, including seniority credits, if any, shall be equally applicable to both classified and certificated promo-

tional candidates; (c) that eligibility lists resulting from such an open competitive and promotional examination shall be merged according to the order of the examination scores into a single eligibility list, after the scores of each candidate on the promotional list have been adjusted for promotional credits, including seniority credits, if any; and (d) that the examination for any such position shall not be construed to be an entrance level position examination.

CHAPTER 1251

An act providing for the sale of all interest which the State of California has in Squaw Valley State Park.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. It is the intent and purpose of this act to authorize the Director of Parks and Recreation, with the consent of the Director of General Services, and subject to the final approval of the Legislature, to immediately commence and forthwith take such action as is necessary to divest the State of California of all its rights, title, interest, and obligations in or to the Squaw Valley State Recreation Area.

SEC. 2. The Director of Parks and Recreation, with the consent of the Director of General Services, upon such terms and conditions as the Director of Parks and Recreation deems in the best interest of the state, shall, from time to time until completed, transfer, sell, convey, grant, exchange or otherwise dispose of any and all rights, title, interest, and obligations of the state in or to real or personal property, or both, in the Squaw Valley State Recreation Area, and any and all rights and obligations of the state therein, incidental thereto, and in connection therewith.

SEC. 2.5. A report containing all terms and conditions of any conveyance, grant, exchange, or other disposal of any right, title, interest, and obligation of the state in or to real or personal property, or both, in the Squaw Valley Recreation Area which the Director of Parks and Recreation proposes to make shall be submitted to the Legislature for its review and approval. The director shall have no authority to dispose of or to exchange such property unless and until the Legislature specifically authorizes such disposal or exchange through enactment of appropriate legislation.

SEC. 2.6. The Director of Parks and Recreation shall file quarterly progress reports with the Legislature on March 1, June 1, September 1, and December 1 of each year following the effective date of this act until all of the property referred to in Section 2 of this act has been disposed of or exchanged.

Such reports shall specify the terms and conditions of all proposals made by, or received by, the department with respect to the disposal or exchange of the property referred to in Section 2 of this act. The first quarterly report shall be made on the first quarterly date following the effective date of this act.

SEC. 3 Such disposition may be made to any person, public or private entity, or both.

SEC. 4. The Director of Parks and Recreation, with the consent of the Director of General Services, may execute any and all instruments, documents, and papers and make all contracts and releases and do all things necessary to carry out the intent and purpose of this act.

SEC. 5. The Director of Parks and Recreation shall propose to the Legislature from time to time such additional legislation as may be necessary to accomplish the intent and purpose of this act.

SEC. 6. The State Public Works Board pursuant to the Property Acquisition Law may acquire any interest in or to real or personal property, or both, in the Squaw Valley State Recreation Area as necessary to aid in carrying out the purposes of this act; however, it shall have no authority to make such acquisition unless and until the Legislature specifically authorizes such acquisition through enactment of appropriate legislation.

SEC. 7. No language of this act shall be construed in derogation of any other powers of either the Director of Parks and Recreation or the Director of General Services.

CHAPTER 1252

An act to amend Section 5261 of, and to add Article 4.5 (commencing with Section 5250) to Chapter 2 of Division 3 of, and Section 5261.5 to, the Business and Professions Code, relating to advertising displays.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Article 4.5 (commencing with Section 5250) is added to Chapter 2, Division 3 of the Business and Professions Code, to read:

Article 4.5. Certificates of Zoning Compliance

5250. A certificate of zoning compliance, as used in this chapter (commencing with Section 5200) is a certificate issued by a city, county or city and county as prescribed by this article.

5251. When requested to do so pursuant to a resolution adopted by the governing body of a city, county, or city and

county the director shall require the presentation of a certificate of zoning compliance or an application date stamped pursuant to Section 5253, issued within 60 days of presentation, before issuing a permit pursuant to Article 5 (commencing with Section 5260) in respect to any advertising display to be placed within any area subject to the zoning regulations of such city, county, or city and county.

The resolution shall designate the local official with whom applications for certificates of zoning compliance are to be filed.

This article shall not apply to an application for a renewal of a permit for an existing advertising display.

5252. Every person desiring a certificate of zoning compliance shall file an application with the designated local official. The application shall be accompanied by a plot plan showing the location of the parcel on which the display is proposed and the proposed site on the parcel. The size and type of construction of the proposed display and whether or not it is electrical shall also be stated. A fee of two dollars ($2) shall be paid upon presentation of the application.

5253. A duplicate of the application, prepared by the applicant, shall be date stamped by the local official at the time of presentation and returned to the applicant.

The applicant may present that duplicate application to the director with his application for a permit 10 days from the date stamped thereon.

This application may be made in person or by mail. If by mail the date stamped duplicate shall be placed in the mail addressed to the applicant on the day received.

5254. If the proposed display complies with zoning regulations a certificate of zoning compliance shall be issued. That certificate shall state or otherwise describe the location of the parcel on which the display is to be placed, the zone designation, and all pertinent restrictions within that zone. The certificate shall also identify the applicant by name and address and the date of the application.

The certificate shall be prepared in at least three copies. An original shall be mailed to the applicant, a duplicate shall be mailed to the director, at whatever address he may from time to time specify, and the remaining copy shall be retained by the local officer, for so long as he deems necessary.

5255. If the proposed display does not comply with local zoning regulations a notice to this effect shall be prepared, and distributed in the same manner as a certificate of zoning compliance, except that this notice must be issued and mailed within seven days of the application.

This notice shall specify wherein the proposed display would violate local zoning regulations and shall bear the name and address of the applicant.

5256. The director shall prescribe a form to be used for applications for a certificate of zoning compliance. He shall

also prescribe the form to be used for the notice to be issued pursuant to Section 5255.

SEC. 2. Section 5261 of the Business and Professions Code is amended to read:

5261. Every person desiring a permit to place any advertising display shall file an application with the director or with his authorized agent. No application shall be accepted which is not accompanied by an application for a certificate of zoning compliance for the same display, which bears a date stamp at least 10 and not more than 60 days prior to the date of application for a permit, if the display is proposed for a site within the jurisdiction for a local agency whose governing board has adopted a resolution pursuant to Section 5251.

SEC. 3. Section 5261.5 is added to the Business and Professions Code, to read:

5261.5. No permit may be issued for a proposed display in respect to which a local official has issued a notice pursuant to Section 5255.

CHAPTER 1253

An act to amend Sections 19143 and 19535 of the Government Code, relating to state employment.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 19143 of the Government Code is amended to read:

19143. Notwithstanding any other provision of the law to the contrary, an employee whose continuity of employment in the state service as either an exempt or civil service employee is broken for six months or longer by a permanent separation such as resignation, dismissal, or rejection during a probationary period, and who is subsequently reemployed after December 31, 1949, shall not be credited for service prior to such separation for purposes of layoff or sick leave, nor shall he be credited with any sick leave which he had accumulated prior to his separation, and he shall again serve the months required to qualify for vacation credit. The State Personnel Board shall adopt rules governing the crediting of service before and after such a break in service for purposes of vacation as specified in Section 18050 and the keeping of service records related thereto.

When an employee has a break in the continuity of his state employment because of a temporary separation such as layoff, suspension, leave of absence, military leave, disability retirement, or medical termination, his prior service shall be counted upon his return to state service for purposes of layoff, sick leave and vacation.

SEC. 2. Section 19535 of the Government Code is amended to read:

19535. In lieu of being laid off an employee may elect demotion to: (a) any class with substantially the same or a lower maximum salary in which he had served under permanent or probationary status, or (b) a class in the same line of work as the class of layoff, but of lesser responsibility, if such a class is designated by the board. Whenever such a demotion requires a layoff in the elected class, the seniority score for the demoted employee shall be recomputed in that class. The appointing power shall inform the employee in the notice of layoff of the classes to which he has the right to demote. To be considered for demotion in lieu of layoff an employee must notify his appointing power in writing of his election not later than five calendar days after receiving notice of layoff.

Demotions in lieu of layoff, and layoffs resulting therefrom, shall be governed by the provisions of this article and shall be made within the subdivisions approved by the board for this purpose. Such subdivisions need not be the same as those used to determine the area of layoff under Section 19532.

CHAPTER 1254

An act to amend Sections 17200.5 and 17201 of the Education Code, relating to the management of the public schools.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 17200.5 of the Education Code is amended to read:

17200.5. For purposes of determining excess cost reimbursements pursuant to Chapters 7.1, 8 and 9 of Division 6 of this code, the Superintendent of Public Instruction shall require the use of a uniform cost accounting procedure, as set forth in Part VI, Program Cost Accounting, of the California School Accounting Manual.

SEC. 2. Section 17201 of the Education Code is amended to read:

17201. For the purpose of achieving clarity and uniformity in the budgeting and reporting of school district expenditures by funds, whenever certain expenditures for the children's center program, the development center for handicapped minors program, or any similar program, except the food service program, for which a special fund is required by law, are: (1) authorized by law and by action of the governing board to be paid from the general fund of the school district, or (2) required by law to be paid from the general fund of the school district, the amount estimated or actually required to meet

these expenditures shall be transferred or paid from the general fund to the children's center fund, the development center for handicapped minors fund, or other special fund as appropriate.

Any amount transferred or paid in excess of the amount actually required shall be refunded to the general fund.

The Superintendent of Public Instruction is hereby authorized to adopt rules and regulations governing the method of accounting for said payments and transfers.

CHAPTER 1255

An act to add Sections 50262, 50263, 50264 and 50265 to, and to repeal Section 50262 of, the Government Code, relating to human relations.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 50262 of the Government Code is repealed.

SEC. 2. Section 50262 is added to the Government Code, to read:

50262. The governing body of any city or county may, by ordinance, create a commission on human relations. The governing body shall determine the number of members of such commission, the terms of the members, the manner of appointment of the members, the selection of a chairman and the compensation, if any, to be paid to them. In selecting the membership of the commission, the governing body shall take into consideration, among other things, the various religious, racial, nationality and political groups in the community. The establishment of such a commission at one level of local government shall not preclude establishment of such a commission at other levels of local government.

SEC. 3. Section 50263 is added to the Government Code, to read:

50263. The governing body may assign personnel to the commission or permit the commission to employ an executive director, a secretary, and such attorneys, experts and other employees as may be necessary, within the amount made available by the local governing body and to accept and expend funds from private, as well as public, sources. Each city and county is hereby authorized and empowered to make such appropriation for such expenses and for the compensation, if any, to be paid to the members of the commission.

SEC. 4. Section 50264 is added to the Government Code, to read:

50264. It shall be the responsibility of the commission:

(a) To foster mutual respect and understanding among all racial, religious and nationality groups in the community.

(b) To make such studies in any field of human relationship in the community as in the judgment of the commission will aid in effectuating its general purposes.

(c) To inquire into incidents of tension and conflict among or between various racial, religious and nationality groups, and to take action by means of conciliation, conference, and persuasion to alleviate such tensions and conflict.

(d) To conduct and recommend such educational programs as, in the judgment of the commission, will increase good will among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants.

SEC. 5. Section 50265 is added to the Government Code, to read:

50265. A commission on human relations created under the provisions of Section 50262 shall discharge the following obligations:

(a) To hold conferences, and other public meetings, in the interest of the constructive resolution of racial, religious and nationality group tensions and the prejudice and discrimination occasioned thereby.

(b) To issue such publications and reports of investigation as in its judgment will tend to effectuate the purposes of this article.

(c) To enlist the cooperation and participation of the various racial, religious and nationality groups, community organizations, industry and labor organizations, media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the community mutual esteem, justice and equity.

(d) To encourage and stimulate agencies under the jurisdiction of the local governing body which created the commission to take such action as will fulfill the purposes of this article.

(e) To submit an annual report to the governing body.

CHAPTER 1256

An act relating to the establishment of an Automobile Accident Study Commission, defining its powers, duties and responsibilities, and making an appropriation therefor.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Since the automobile first became an important mode of transportation in California, the continuing growth in

population, including with it great industrial, social, economic and technical progress, have required the Legislature to develop a statutory pattern designed to make the use of automobiles in California responsive to the total public interest. This statutory pattern has involved many laws bearing on automobile accidents, both in terms of their prevention and consequences.

For many years, the common law doctrine of tort liability, as related to the use of automobiles, has undergone substantial statutory modification through the enactment of many laws imposing vicarious liability on automobile owners but also establishing certain degrees of statutory protection of automobile owners and drivers from third-party liability. During this same period, many statutory rules of the road have been developed which limit the rights of automobile drivers when using automobiles.

From a financial responsibility standpoint, the availability to automobile owners and drivers of automobile liability insurance has made it possible for them to obtain a method by which collectively they could provide a means of financial recourse where their negligent use of automobiles has exposed them to liability. California's growth has, in the continuing increase in registered automobiles, resulted in a statutory pattern of financial responsibility laws through which, by obtaining automobile liability insurance, the great majority of automobile owners and drivers are financially responsible. At the same time, however, many automobile owners and drivers, by their failure to comply with the statutory pattern of rules of the road established in California, have caused the cost of automobile insurance to increase to a point where the meeting of their financial responsibility by many automobile owners and drivers imposes great economic hardship upon them.

Since the development of the automobile liability insurance contract it has also undergone substantial modification to provide broader coverage from a vicarious liability exposure standpoint but also in terms of first party coverage such as medical payments and uninsured motorist. These automobile liability insurance policy improvements, together with limitations imposed on the cancellation of or the use of restrictive endorsements, reflect both enlightened statutory action and a progressive competitive automobile insurance industry which is permitted to operate in California under a freely competitive rating structure.

Despite these many statutory and automobile insurance industry created developments, however, automobile accidents have continued to expose nonculpable victims thereof to substantial delay in the obtainment of financial recourse and has caused many legal scholars to raise serious questions regarding the continued feasibility of the use of the common law doctrine of tort liability, as statutorily modified, as the method by which automobile accident consequences will continue to be legally resolved. Therefore, it is the purpose of the Legisla-

ture, in enacting this statute, to authorize a study of the common law tort liability system, as modified by statute, including related insurance, motor vehicle and procedural laws bearing on both the prevention and consequences of automobile accidents, to ascertain whether they are presently serving their respective original purposes and whether they may, in view of conditions which may be anticipated in this state, be expected to serve these purposes effectively in the future; or whether, on the other hand, they have become uncertain, discriminatory, expensive, and full of delay that they no longer effectively serve these purposes.

SEC. 2. There is in the state government an Automobile Accident Study Commission, hereafter referred to as the "commission." The commission shall consist of eight members appointed by the Governor, with the approval of the Senate, who shall be representative of the broad interests of this state.

Four Members of the Senate of the State of California appointed by the Committee on Rules of the Senate and four Members of the Assembly of the State of California appointed by the Speaker of the Assembly shall meet with the commission and participate in its activities as voting members of said commission. For the purposes of this statute, the Members of the Legislature shall be considered a joint committee of the two houses of the Legislature and constitute an investigating committee on the subject of this statute; and, as such, shall have the powers and duties imposed on such a committee by the Joint Rules of the Senate and the Assembly and, in accordance with those rules, shall be allowed, out of the Contingent Funds of the Senate and the Assembly, their expenses incurred for mileage and other purposes in the exercise or performance of such powers or duties.

The members of the commission shall serve without other compensation but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties. The Governor shall select from among the members of the commission a chairman and shall summon the commission to its first meeting. A majority of the members of the commission shall constitute a quorum and all vacancies in the commission membership shall be filled in the same manner in which original appointments were made.

SEC. 3. The commission shall conduct a study of, and make suggestions regarding, automobile accidents, including their prevention and consequences as well as related insurance, motor vehicle and procedural laws bearing thereon, to determine whether these laws, together with the statutory rules of the road, most effectively contribute to the prevention of automobile accidents and the expeditious and adequate financial recourse of automobile accident victims This study may include, but need not be limited to, a study of the existing common law tort liability system, as modified by statute, as it bears on present insurance, motor vehicle and procedural laws together with an evaluation of the feasibility of revising

or modifying said existing common law tort liability system and the relationship of the insurance, motor vehicle and procedural laws thereto; a study leading to some guidelines relating to greater certainty in the disposition of automobile accident consequences and consideration of necessary modifications of the statutory rules of the road as they may relate thereto; and consideration of all pertinent related laws of other jurisdictions bearing on these matters.

The commission shall advise the Governor and the Legislature of its findings, conclusions and suggestions, including recommendations, if any, in regard to proposed statutory and constitutional changes, improved procedures and practices, and anything else in its opinion designed to further the accomplishment of expeditious and adequate financial recourse for automobile accident victims as well as the prevention of automobile accidents.

The commission may submit to the Governor and the Legislature at such time or times, as the commission deems necessary, interim reports of its activities. All meetings of the commission and all hearings held by the commission shall be open to the public.

SEC. 4. In carrying out its duties and responsibilities, the commission shall have the following powers:

(a) To meet at such times and places as it may deem proper.

(b) As a body or, on the authorization of the chairman, as a subcommittee composed of one or more members, to hold hearings at such times and places as it may deem proper.

(c) To issue subpoenas to compel the attendance of witnesses and the production of books, records, papers, accounts, reports and documents.

(d) To administer oaths.

(e) To employ a secretary and such clerical, legal, and technical assistance as may appear necessary.

(f) To contract with and engage the services of one or more public or private research agencies, universities, or other institutions, whether located within or outside of this state, which would conduct research, prepare recommendations, or undertake the general administration and conduct of the study authorized by this division under the direction of the commission, or any of such activities, as the commission may determine, and to contract with such other individuals or agencies, public or private, as it deems necessary, for the rendition and affording of such services, facilities, studies, and reports to the commission as will best assist it to carry out its duties and responsibilities.

(g) To cooperate with, and to coordinate with, all state and federal agencies now or hereafter engaged in, or concerned with, automobile accident consequences and prevention.

(h) To cooperate with, and to secure the cooperation of, the courts of this state and of other states, in investigating any matter within the scope of its duties and responsibilities,

and to enlist the aid of the Judicial Council in facilitating such investigation.

(i) To cooperate with, and to secure the cooperation of, county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and to direct the sheriff of any county or any marshal to serve subpoenas, orders and other process.

(j) To certify to the superior court of any county in which proceedings are held the facts concerning the disobedience or resistance, by any person, of any lawful order, or the refusal of any person to respond to a subpoena, to take the oath or affirmation as a witness, or to be examined, or the misconduct of any person during a hearing; and to receive the assistance of the court in enforcing orders and process, in the manner prescribed by Section 11525 of the Government Code.

(k) To cooperate with every department, agency, or instrumentality in the state government; and to secure directly from every department, agency, or instrumentality full cooperation, access to its records, and access to any information, suggestions, estimates, data, and statistics it may have available.

(*l*) To authorize its agents and employees to absent themselves from the state where necessary for the performance of their duties.

(m) To do any and all other things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the powers expressly granted it.

SEC. 5. The commission is authorized to accept for the expenses of the commission, under terms and conditions established by the commission, with the approval of the Director of Finance as provided in Section 11005 of the Government Code, gifts of property, services, funds, contributions or appropriations from private or public foundations, or public agencies.

SEC. 6. The commission shall be empowered to act and shall act until 90 days following the end of the 1970 Regular Session or such earlier time as its final report shall have been submitted to the Governor and to the Legislature, but not thereafter.

The sum of five thousand dollars ($5,000) is hereby appropriated from the Motor Vehicle Fund for the expenses of the commission.

CHAPTER 1257

An act to add Sections 130 and 227 to the Revenue and Taxation Code, relating to property tax exemptions.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 130 is added to the Revenue and Taxation Code, to read:

130. (a) "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, but does not include aircraft.

(b) "Documented vessel" means any vessel which is required to have and does have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto, except documented yachts of the United States. "Documented vessel" does not include any vessel exempt from taxation under Section 4 of Article XIII of the Constitution of the State of California.

(c) "Vessel of the United States" means a documented vessel, that is, a vessel registered, enrolled and licensed, or licensed under the laws of the United States, except documented yachts of the United States.

(d) "Port of documentation" means the home port of a vessel as shown in the marine document in force and issued to the owner of such vessel by the Bureau of Customs of the United States or any federal agency successor thereto.

(e) "Marine document" includes registry, enrollment and license, and license.

(f) "In this state" means within the exterior limits of the State of California, and includes all territory within these limits owned by, or ceded to, the United States of America.

(g) "Natural resources" consist of both the living resources of the sea and the mineral and other nonliving resources of the seabed and subsoil together with living organisms belonging to sedentary species, which are organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

(h) "Oceanographic research vessel" means a vessel which the secretary of the department in which the United States Coast Guard is operating, or his successor, finds is an oceanographic research vessel under the laws of the United States.

SEC. 2. Section 227 is added to the Revenue and Taxation Code, to read:

227. A documented vessel, as defined in Section 130, shall be assessed at one percent (1%) of its full cash value only if:

(a) The port of documentation is in this state.

(b) The vessel is engaged or employed exclusively:

(1) In the taking and possession of fish or other living resource of the sea for commercial purposes, or

(2) In instruction or research studies as an oceanographic research vessel.

CHAPTER 1258

An act to amend Sections 460 and 14202 of the Elections Code, relating to indexes of voter registration.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 460 of the Elections Code is amended to read:

460. Notwithstanding anything contained in this article, in any county in which tabulating equipment is used to produce the indexes of registration, the indexes shall be furnished to persons, committees, and agencies as provided in this article by street addresses in numerical order, but such indexes may be maintained in alphabetical order.

SEC. 2. Section 14202 of the Elections Code is amended to read:

14202. Before opening the polls the precinct board shall post in separate, convenient places at or near the polling place and of easy access to the voters not less than two of the copies of the index to the book of affidavits of registration furnished for that precinct.

In any county in which tabulating equipment is used to produce the index of registration, the copies of the index posted pursuant to this section shall be by street addresses in numerical order.

CHAPTER 1259

An act to amend Section 372 of the Code of Civil Procedure, relating to Juvenile Court Law.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 372 of the Code of Civil Procedure is amended to read:

372. When a minor, or an insane or incompetent person is a party, he must appear either by a guardian of the estate or by a guardian ad litem appointed by the court in which the action is pending, or by a judge thereof, in each case. A guardian ad litem may be appointed in any case, when it is deemed

by the court in which the action or proceeding is prosecuted, or by a judge thereof, expedient to represent the minor, or insane, or incompetent person in the action or proceeding, notwithstanding he may have a guardian of the estate and may have appeared by him. The guardian of the estate or guardian ad litem so appearing for any minor, or insane or incompetent person in any action or proceeding shall have power, with the approval of the court in which such action or proceeding is pending, to compromise the same, to agree to the order or judgment to be entered therein for or against his ward, and to satisfy any judgment or order in favor of said ward or release or discharge any claim of said ward pursuant to such compromise. Any money or other property to be paid or delivered for the benefit of a minor or insane or incompetent person pursuant to said order or judgment shall be paid and delivered in the manner and upon the terms and conditions specified in Section 1510 of the Probate Code.

Where reference is made in this section to "guardian of the estate" such reference shall be deemed to include "conservator of the estate" and reference to "incompetent person" shall be deemed to include "a person for whom a conservator may be appointed."

Nothing in this section or in any other provision of this code, the Probate Code, or the Civil Code is intended by the Legislature to prohibit a minor from exercising an intelligent and knowing waiver of his constitutional rights in any proceedings under the Juvenile Court Law, Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code.

CHAPTER 1260

An act to amend Sections 28503 and 28504 of the Vehicle Code, relating to motor vehicle pollution control device installation and inspection stations.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 28503 of the Vehicle Code is amended to read:

28503. The department may refuse to issue a license to an applicant who has made application for a station or an installer license when it determines:

(a) The applicant was previously the holder of a license issued under this chapter, which license was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled; or

(b) The information contained in the application is incorrect; or

(c) The applicant fails to meet minimum standards established by the department.

SEC. 2. Section 28504 of the Vehicle Code is amended to read:

28504. (a) The department after notice and hearing may suspend, revoke, or refuse to renew the license issued to a licensed station upon determining that the licensee is not lawfully entitled thereto, has used a false or fictitious name, knowingly made any false statements or concealed any material fact in any application for such license, has violated one or more of the regulations developed by the department under this chapter, or has failed to properly perform the business of a licensed station.

(b) The department after notice and hearing may suspend, revoke, or refuse to renew the license issued to a licensed installer upon determining that the licensee is not lawfully entitled thereto, has used a false or fictitious name, knowingly made any false statements or concealed any material fact in any application for such license, has violated one or more of the regulations developed by the department under this chapter, or has failed to properly carry out the duties of a licensed installer.

(c) The department may, pending a hearing, temporarily suspend or refuse to renew the license issued to a licensed station or installer, for a period not to exceed 30 days, if the commissioner finds that such action is required in the public interest. In such case a hearing shall be held and a decision announced within 30 days after the notice of the temporary suspension.

(d) The department shall not reinstate a revoked license within less than one year from the date of revocation.

CHAPTER 1261

An act to amend Section 11656.6 of the Insurance Code, relating to group workmen's compensation policies.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 11656.6 of the Insurance Code is amended to read:

11656.6. An insurer may issue a workmen's compensation policy insuring an organization or association of employers as a group if such organization or association complies with the following conditions:

(a) Files with the commissioner or a licensed workmen's compensation rating organization designated by him:

(1) A copy of its articles of incorporation and bylaws or its agreement of association and rules and regulations governing the conduct of its business, all certified by the custodian of the originals thereof;

(2) A statement setting forth its reasons for desiring insurance as a group;

(3) A statement certifying that at least 75 percent of its regular membership is engaged in a common trade or business, and an agreement that such percentage of membership will be maintained during such time as a group workmen's compensation policy issued to such organization or association is in force;

(4) An agreement that only those members who are engaged in a common trade or business shall be named by the organization or association in any statement to the commissioner, a licensed workmen's compensation rating organization or insurer as eligible for insurance as a member of the group, and an agreement that it will immediately notify its insurer if any member of such organization fails to remain a member in good standing in accordance with the basic law, rules and regulations of such organization or association;

(5) A statement in writing undertaking to establish and maintain a safety committee which by education and otherwise will seek to reduce the incidence and severity of accidents.

(6) An agreement in writing duly executed guaranteeing that, if the insurer notifies the organization or association of the nonpayment of a premium by an insured member of the organization or association within 60 days after the premium was due, the organization or association will pay to the insurer the amount of any past due premium which does not exceed the amount of the dividends that are due to the organization or association or its members from the insurer. The organization or association shall promptly notify the insurer of the known insolvency of any member of the group plan, and shall request upon learning of such insolvency, removal of the member from the group plan. A copy of the resolution of the governing board of such organization or association authorizing the execution of the guarantee agreement shall be filed with the commissioner or a licensed workmen's compensation rating organization designated by him and with any insurer issuing a group policy.

(b) "Common trade or business" as used in this article shall mean

(1) In agricultural enterprises, operations in which the principal payroll of the employer develops under any combination of the classifications of the Manual of Rules, Classifications and Basic Rates of Workmen's Compensation Insurance approved by the Insurance Commissioner as applicable to farms; nurserymen; cultivating or gardening of flowers; and classifications embracing such other operations as may be con-

ducted by a nonprofit cooperative association composed of producer members and combinations of nonprofit cooperative agricultural marketing associations having a central organization composed of member associations.

(2) In the building and construction industry, operations in the construction or repair of commercial or residential buildings or in general engineering construction in which the principal payroll develops under any combination of the classifications applicable to such construction or repair as they appear in the Manual of Rules, Classifications and Basic Rates for Workmen's Compensation Insurance approved by the Insurance Commissioner. Commercial buildings as defined in this subsection shall mean any nonresidential buildings.

(3) For all other enterprises, operations in which the principal payroll develops under a single manual classification.

(c) "Principal payroll," for the purpose of this section, means not less than 51 percent of the total payroll for the preceding policy year or in the case of an employer who has no preceding full year's payroll, not less than 51 percent of his estimated annual payroll.

CHAPTER 1262

An act to add Sections 9097, 9098, 9099, 9100, 9101, 9102, and 9103 to the Insurance Code, relating to insurance.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 9097 is added to the Insurance Code, to read:

9097. An association or organization certified under this chapter may reinsure all of its policies with, and, upon the assumption of all of its liabilities, may transfer its assets to, any mutual insurer admitted to transact the classes of insurance embraced within the policies issued by such organization or association, upon compliance with Sections 9098 through 9103, inclusive.

SEC. 2. Section 9098 is added to the Insurance Code, to read:

9098. The plan and agreement by which any such transaction permitted by Section 9097 is to be effected shall be approved by the board of directors or other governing body of such organization or association and submitted to the commissioner accompanied by an application for approval thereof and a fee of one hundred dollars ($100).

SEC. 3. Section 9099 is added to the Insurance Code, to read:

9099. The commissioner shall examine such plan and agreement and may require such provisions to be inserted in the

agreement and such actions to be taken in connection with the transaction (including but not limited to: (1) the terms of the reinsurance, transfer and assumption, (2) the terms of the notice of the vote thereon by the members of such organization or association, and (3) the manner and form of voting thereon by such members) as he may deem necessary in order that the transaction shall be fair and equitable to the members of such organization or association.

SEC. 4. Section 9100 is added to the Insurance Code, to read:

9100. When any such plan and agreement shall have been approved by the commissioner with such changes, if any, required by him, the same shall be approved by a vote of not less than two-thirds of those members of such organization or association voting in person or by proxy at a meeting of the members.

SEC. 5. Section 9101 is added to the Insurance Code, to read:

9101. The meeting of members at which the transaction is voted upon shall be preceded by a written or printed notice of the meeting and of the purpose to vote thereat upon the plan or agreement for reinsurance, transfer and assumption, addressed to each member of record on the date of the notice and mailed at least 30 days before the date fixed for the meeting. The presence in person or by proxy of 5 percent of the members of such organization or association entitled to vote shall constitute a quorum unless a higher percentage is required by the articles of incorporation, association, bylaws, rules or regulations or other organization or governing documents. In the absence of a quorum, the members present at the meeting in person or by proxy may adjourn the meeting to a later date and no further notice need be given of the date to which the meeting is adjourned.

SEC. 6. Section 9102 is added to the Insurance Code, to read:

9102. If the members vote to approve the plan of reinsurance, transfer and assumption, a certified copy of all proceedings relating thereto shall be filed with the commissioner. If the commissioner finds that the proceedings have been in accordance with the law and his requirements, he shall issue his certificate approving the plan and the agreement and the transaction shall become effective at that time or upon such later date as may be specified in the agreement.

SEC. 7. Section 9103 is added to the Insurance Code, to read:

9103. The board of directors or other governing body of such organization or association shall file with the Secretary of State a duplicate original of the commissioner's certificate approving the plan and agreement and thereupon such organization or association shall cease to exist except for the purpose of completing the winding up of its affairs.

CHAPTER 1263

An act to add Section 1175.1 to the Education Code, relating to school district contracts.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 1175.1 is added to the Education Code, to read:

1175.1. No contract entered into by the governing board of any school district is either void or voidable under the provisions of Sections 1174 and 1175, nor shall any member of such board be disqualified or deemed guilty of misconduct in office under such provisions, if the contract is a contract of employment of any spouse or child of any member of the governing board, and such employment is as a limited-term employee under Section 13726 or a short-term employee under Section 13581, whichever is applicable, and is made on a competitive basis between persons who are eligible, under written qualifications, and competent to fulfill the duties and responsibilities of such employment.

CHAPTER 1264

An act to add Chapter 4 (commencing with Section 30910) to Division 17 of the Streets and Highways Code, relating to the Folsom Lake Bridge Authority.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Chapter 4 (commencing with Section 30910) is added to Division 17 of the Streets and Highways Code, to read:

CHAPTER 4. FOLSOM LAKE BRIDGE AUTHORITY ACT

Article 1. General Provisions

30910. This chapter may be cited as the Folsom Lake Bridge Authority Act.

30911. Unless the particular provision or the context otherwise requires, the general provisions set forth in this article govern the construction of this chapter.

30912. "Authority" means the Folsom Lake Bridge Authority.

30913. "Toll bridge" means the bridge crossing the arm of Folsom Lake which extends up the North Fork of the American River in Placer and El Dorado Counties which the authority is authorized to finance, construct, operate, and maintain as a toll facility pursuant to this chapter, and includes all appurtenances and additions, alterations or improvements thereto or replacements thereof, and the approaches to each end thereof, all lands and interest therein used therefor, and buildings and improvements thereon.

30914. "Bond" means any written evidence of indebtedness which the authority may issue pursuant to this chapter in order to secure funds with which to carry out the purposes of this chapter.

30915. Nothing in this chapter prevents the state from making appropriations from time to time in aid of the construction pursuant to this chapter of the toll bridge or property, franchises, or rights appurtenant thereto, or for the purpose of making preliminary surveys, plans, and estimates of the cost thereof, and meeting other preliminary expenses as the Legislature deems proper.

Article 2. Organization of the Authority

30920. The Folsom Lake Bridge Authority is hereby created. The authority shall be governed by a board consisting of two members of the Board of Supervisors of Placer County, two members of the Board of Supervisors of El Dorado County, and one member appointed by the Governor and serving at his pleasure.

30921. All of the members of the authority shall serve thereon without compensation, but they shall receive their necessary actual traveling expenses incurred in the discharge of their duties.

30922. A majority of the members of the authority may act for the authority.

30923. The authority may employ a secretary, a treasurer, an attorney, a chief engineer, and such other persons as are necessary to enable it properly to perform the duties imposed upon it by this chapter

30924. The authority may sue and be sued in the name of the Folsom Lake Bridge Authority.

30925. The authority shall select one of its members to serve as chairman of the authority.

Article 3. General Powers and Duties of the Authority

30930. The authority may study the feasibility of, plan, design, finance, construct, operate, and maintain a bridge crossing the arm of Folsom Lake which extends up the North Fork of the American River in Placer and El Dorado Counties, together with any necessary connections with other county roads in the area.

30931. The authority shall fix the rates of toll and other charges for the toll bridge.

30932. The authority in establishing toll charges shall give consideration to the cost of operating and maintaining the toll bridge, including the cost of insurance, and to the amount required annually to meet the redemption of bonds and interest payments thereon. At all times the tolls and charges shall be fixed at rates to yield annual revenue equal to annual operating and maintenance expenses, including insurance costs, and all redemption payments and interest charges of the bonds issued for the toll bridge as they fall due.

30933. Toll charges so fixed may be changed from time to time as conditions warrant.

30934. The authority may do such acts and make such agreements not inconsistent with laws as are necessary or desirable in connection with the duties and powers conferred upon it by law regarding the construction, maintenance, operation, and insurance of the toll bridge or the safeguarding of the funds and revenues required for such purposes and the payment of the indebtedness incurred therefor.

30935. The authority through such engineers or experts as it may employ, shall design the toll bridge, and may build it or any portions of it either by its own employees or by contract with any person. The cost of the toll bridge shall be paid from the proceeds of bonds issued and sold pursuant to this chapter, or from contributions or appropriations from other sources as provided in this chapter.

30936. The authority shall keep full, complete, and separate accounts of the toll bridge and annually shall prepare balance sheets and income and profit and loss statements showing the financial condition of the toll bridge. The statements shall be open to the inspection of holders of bonds issued by the authority at all reasonable times.

30937. The authority may issue permits for the use of the toll bridge on a credit basis. The holder of such a permit shall furnish to and maintain in force with the authority a cash deposit or a corporate surety bond, in an amount equal to twice the authority's estimate of the toll charges to be incurred under such permit during one month.

30938. The authority may require the holder of such permit to increase the amount of cash bond, or to furnish an additional surety bond, or may reduce the amount of the cash bond or surety bond required, as the amount of charges incurred and regularity of payment warrant, or may revoke any permit granted for failure of the holder to comply with its terms.

30939. The authority may also require the holder of any such permit to pay a fee of not to exceed five dollars ($5) a month to cover printing and other overhead expense, the proceeds thereof to be deposited in the fund from which such expenses are paid.

30940. When necessary to facilitate movement of traffic, the authority may limit the use of the toll bridge on a credit basis to particular classes of vehicles.

30941. The authority may adopt rules and regulations not inconsistent with the Vehicle Code for the control of traffic on the toll bridge, to aid and insure the safe and orderly flow of traffic, and shall so far as practicable notify the public of such rules and regulations by signs placed along the route of the toll bridge.

30942. The California Highway Patrol shall have the authority and it shall be its duty to provide for proper and adequate policing of the toll bridge, to insure the enforcement thereon of the Vehicle Code and rules and regulations adopted by the authority pursuant to Section 30940, and to cooperate with the authority, to the end that the toll bridge be operated at all times in such a manner as to carry traffic efficiently.

All required accident and supplemental reports, and all other reports made to the California Highway Patrol by any peace officer or employee of the Department of Motor Vehicles relative to accidents and incidents occurring on property of the authority shall be immediately available for the confidential use of the authority.

Article 4. Bonds

30950. Whenever the authority determines that it is for the best interests of the public highways in the state that the toll bridge be constructed and operated by the authority, based upon preliminary estimates of the cost of construction thereof, an estimate of the amount required to be raised for that purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials, or labor to be contributed from other sources in aid of the construction prepared by its staff, it shall adopt a resolution declaring that public interest and necessity require the construction of the toll bridge and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for the construction thereof.

30951. All bonds authorized pursuant to this chapter shall be issued in the name of the authority and shall constitute obligations of the authority only. Such bonds shall be identified as toll bridge bonds and shall contain a recital on the face thereof that the payment or redemption of the bonds and the payment of the interest thereon is secured by a direct and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the toll bridge, and that neither the payment of the principal or any part thereof or any interest thereon, constitutes a debt, liability, or obligation of the state or of Placer County or El Dorado County.

30952. The authority shall determine the form, conditions, and denominations of all bonds, the dates which the bonds to

be sold shall bear, and the interest rate thereon which shall not exceed 6 percent per annum. The rate of interest need not be uniform for all bonds of the same authorized issue. Principal and interest of the bonds shall be payable at such places as are fixed and determined by the authority. The bonds may contain provisions for registration as to principal only and as to both principal and interest. The bonds shall be issued in coupon form with interest payable at such times as are determined by the authority, and shall mature at such times and in such amounts as the authority prescribes.

30953. The authority may provide for the retirement of the bonds at any time or times prior to their maturity, in such manner and upon payment of such premiums as may be fixed and determined in the proceedings providing for the issuance of the bonds and referred to therein.

30954. All bonds shall be signed by the treasurer and countersigned by the chairman. The signatures of the treasurer and the chairman may be by facsimile, but said bonds shall be authenticated by such signatures as the bond resolution or indenture may require. All interest coupons shall bear the facsimile signature of the treasurer. In case any officer whose signature or countersignature appears on the bonds or coupons ceases to hold his office before the delivery of the bonds to the purchaser, his signature or countersignature is nevertheless valid and sufficient for all purposes the same as if he had remained in office until the delivery of the bonds.

30955. All revenue bonds authorized pursuant to this chapter may be issued and sold by the authority from time to time and in such amounts as the authority deems necessary to provide sufficient funds for the purposes for which the bonds were authorized, including the payment of interest on the bonds during the period of actual construction, and for a period of six months thereafter, and the proceeds thereof are available for those purposes.

30956. Bonds authorized pursuant to this chapter may be sold below the par or face value thereof, but the sale price shall not be less than that which will yield the purchaser 6 percent a year according to standard tables of bond values, and shall include the interest which has accrued thereon up to the date of delivery of the bonds.

30957. Successive issues of bonds within the limits of the original authorization for the issuance of bonds for the acquisition or construction of the toll bridge shall have equal preference with respect to the redemption thereof and the payment of interest thereon, but the authority may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization.

30958. All bonds issued and sold pursuant to this chapter shall be sold on sealed proposals to the highest and best bidder after such advertising for bids as the authority deems proper. The authority may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale

under such terms and conditions as it deems most advantageous to its own interest, but the bonds shall not be sold at a price below that of the best bid which was rejected.

30959. Temporary or interim bonds, certificates, or receipts, signed by the treasurer, of any denomination whatever and with or without coupons attached thereto, may be issued and delivered until the definitive bonds are executed and available for delivery.

30960. The purchase price of all bonds issued pursuant to this chapter shall be paid to the treasurer for the account of the authority.

30961. The authority may include in the proceedings authorizing the issuance of bonds any provisions not inconsistent with this chapter which limit, restrict, or regulate the holding, deposit, investment, and application of money consisting of the proceeds from the sale of the bonds or the tolls and other revenues received from the operation of the toll bridge, and such provisions shall constitute a contract with the holders of the bonds and be binding upon the authority as long as the bonds are outstanding.

30962. The authority may provide in the proceedings authorizing the issuance of bonds for the setting up of one or more reserve funds out of the proceeds of the bonds or out of the tolls and other revenues not needed for the payment of interest on the bonds and the principal of the bonds as they currently mature, and for the preservation and continuance thereof in a manner to be provided therein, and may also require the immediate application of all surplus money in any such toll revenue fund to the retirement, by call or purchase, of the bonds prior to maturity in such manner and upon such terms and the payment of such premiums as the authority deems advisable.

30963. The authority may provide in the proceedings authorizing the issuance of bonds, or may otherwise agree with the purchasers of bonds, regarding the deposit of all money constituting the Acquisition and Construction Fund and the Toll Revenue Fund, and may provide for the deposit of such money at such times, with such depositaries or paying agents, and upon the furnishing of such security as may meet with the approval of the purchasers of the bonds. The depositaries and security provided for or agreed upon, however, shall be qualified and eligible in accordance with law.

30964. The authority may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this chapter, and the purchase and carrying of such insurance shall thereupon be obligatory upon the authority and be paid for out of the Toll Revenue Fund as may be specified in the proceedings.

30965. Whenever any bonds are to be issued pursuant to this chapter, the authority, from time to time, upon such terms and conditions in all respects as it approves and con-

sistently with this chapter, may enter into indentures or agreements containing any or all of the following provisions:

(a) Providing for the amount, form, maturities, registration, and transfer and interchange of the bonds and coupons and the terms and conditions upon which they shall be issued, sold, paid, retired, funded, and refunded.

(b) Providing for a sinking fund for the bonds and designating a trustee or trustees, which shall be a bank or trust company or banks or trust companies duly qualified to do business in this state, to receive and disburse the revenues of the toll bridge works or improvement.

(c) Providing that as long as any of such bonds are outstanding there shall be raised in each year by tolls not less than the minimum amounts required for interest, sinking fund, redemption, and reserve requirements for the bonds, in addition to the amount needed for current operating and maintenance expenses, including insurance costs, required to be paid from such sources.

(d) Such other provisions for the protection of the holders of the bonds as the authority approves including, without limiting (a), (b), or (c), provisions that in the event of refusal or failure to comply with any provision of this chapter or any other applicable law, or of any agreement made with the holders of the bonds or of any issue thereof, the holders of a stated percentage in aggregate principal amount of the bonds, or of such issue thereof as the case may be, then outstanding may, in accordance with such appropriate procedure as is provided in the agreement or indenture, appoint a trustee to represent all the holders of the bonds, or all the holders of the issue thereof as the case may be, in the matter of exercising and prosecuting on their behalf such rights and remedies as are available to them under the law. The authority shall in its absolute discretion fix the terms and conditions upon which the trustee or trustees shall receive, hold and disburse the revenues and may prescribe the powers and duties of the trustee or trustees.

30966. All benefits conferred or obligations imposed by this chapter or by any other law with respect to making provision for the payment, whether from tolls or other revenues received from the use and operation of the toll bridge or from other sources, of expenses in connection with the operation, maintenance, and insurance of, and the construction of approaches to, the toll bridge, shall, notwithstanding the retirement or discharge of any or all of the bonds issued by the authority for the purpose of constructing the toll bridge, inure to and continue for the benefit of any other bonds issued pursuant to this chapter as additional to, or funding, or refunding the bonds originally issued.

30967. The authority may contract loans and borrow money through the sale of bonds of the same character as those authorized pursuant to this chapter, from the United States or any of its departments, agencies, or instrumentalities upon

such conditions and terms as may be agreed to. Such bonds shall be subject to all the provisions of this chapter except the requirement that bonds be first offered at public sale pursuant to advertisement.

30968. If a bond issue for the acquisition or construction of the toll bridge is authorized and sold in whole or in part and the authority deems it advisable and advantageous to enlarge or extend the toll bridge or to change the structure or design thereof in order to afford new or greater facilities for any type or class of traffic, the authority may issue additional bonds for the purpose of enlarging or extending the toll bridge or changing the structure or design thereof in order to afford such new or greater facilities. Such additional bonds shall be issued only if the surrender and cancellation of all outstanding bonds issued for the acquisition or construction of the toll bridge as originally designed can be assured or obtained by call or by consent of the holders thereof. Such additional bonds shall not constitute a debt or obligation of the state or of Placer County or El Dorado County but shall be bonds of the authority of the same character and payable from the same funds as other bonds authorized pursuant to this chapter. The pledge of the tolls and other revenues to be received from the operation of the toll bridge to the payment of outstanding bonds shall not be lessened, diminished, or affected in any way by the issuance of such additional bonds.

30969. If the outstanding bonds issued for the acquisition or construction of the toll bridge as originally designed are, at the time of issuance of the additional bonds, by their terms subject to immediate retirement before maturity at the option of the authority, or if the holders consent to the retirement of such bonds, the authority may include in the issue of bonds to be sold for the purpose of enlarging or extending the toll bridge or changing the design thereof, an amount of bonds sufficient to produce funds with which to retire the outstanding bonds according to their terms. Before any such additional bonds are delivered the authority shall first duly call the outstanding bonds for redemption in accordance with their terms and conditions or obtain the consent of the holders thereof to their retirement.

30970. Out of the proceeds derived from the sale of any such additional bonds there shall be set aside an amount of money sufficient to retire such outstanding bonds as may be thereafter presented for payment. Bonds of the new authorized issue may be delivered in part in exchange for a like principal amount of outstanding bonds of the original issue if the holders of the outstanding bonds to be exchanged consent thereto.

30971. All provisions of this chapter apply with like force and effect to the issuance of any bonds of the new authorized issue, and the holders thereof are subrogated to all the rights and powers of the holders of the bonds which are surrendered in exchange therefor, except as such rights and powers are

modified by the express terms of the bonds of the new authorized issue or the proceedings authorizing their issuance.

30972. Whenever bonds of any kind have been issued and are outstanding pursuant to this chapter, the authority may from time to time or at one time issue and sell or exchange funding or refunding bonds for the purpose of retiring, paying, funding, or refunding either all or such part of the outstanding bonds or of one or more issues or series thereof, as it deems advisable. Such funding or refunding bonds shall be issued and delivered only when the issue or series of bonds to be funded or refunded have matured, are about to mature, are subject to retirement before maturity, or if the outstanding bonds are not subject to retirement, the retirement thereof has been assured or obtained by consent of the holders thereof. Funding or refunding bonds may be delivered wholly or in part in exchange for outstanding bonds to be funded or refunded thereby, if the holders of the outstanding bonds to be exchanged consent thereto.

30973. Funding or refunding bonds shall not constitute a debt or obligation of the state or of Placer County or El Dorado County, but shall be bonds of the authority of the same character and payable from the same funds as other bonds authorized pursuant to this chapter. Any and all reserve or other funds applicable to the payment of the bonds funded or refunded, may, if so directed by the authority, be transferred to any reserve or other funds provided with respect to the funding or refunding bonds. The pledge of the tolls and other revenues to be received from the operation of the toll bridge to the payment of outstanding bonds shall not be lessened, diminished, or affected in any way by the issuance of such funding or refunding bonds.

30974. Except as otherwise provided in this article, and except as modified by the express terms of the funding or refunding bonds or the proceedings authorizing their issuance, all the provisions of this chapter apply to such funding or refunding bonds and to the issuance and sale or exchange thereof, and the holders thereof shall be subrogated to all the rights and powers of the holders of the bonds funded or refunded thereby or surrendered in exchange therefor.

30975. Any funding or refunding bonds may be issued in a principal amount sufficient to provide funds for:

(a) The payment of the bonds to be funded or refunded thereby.

(b) All expenses incidental to the calling, retiring, or payment of the outstanding bonds and the issuance of the funding or refunding bonds, including the difference in amount between the par value of the funding or refunding bonds and any amount less than par for which they may be sold.

(c) Any amount necessary to be made available for the payment of interest upon the funding or refunding bonds from the date of their sale to the date of maturity or payment of the bonds to be funded or refunded out of the proceeds of the

sale, or the date upon which the bonds to be funded or refunded will be paid pursuant to call thereof or agreement with the holders thereof.

(d) The premium, if any, necessary to be paid in order to call or retire the outstanding bonds.

30976. All bonds issued pursuant to this chapter are negotiable instruments under the law merchant.

30977. All bonds issued pursuant to this chapter and the income therefrom are at all times exempt from taxation, except for transfer, inheritance, and estate taxes.

30978. Bonds issued pursuant to this chapter shall not constitute or be a debt, liability, or obligation of the state or Placer County or El Dorado County. The payment of both principal and interest of all bonds shall be secured only by the tolls or other revenues collected from the toll bridge, other revenues and interest thereon, and sinking funds created therefrom received by the authority, and shall be paid from such tolls or revenues or from such other contributions or appropriations as may be made available pursuant to this chapter.

30979. The bond redemption and interest payments constitute a first direct and exclusive charge and lien on all tolls and other revenues, and interest thereon, and sinking funds created therefrom received from the use and operation of the toll bridge. Such tolls and revenues together with the interest earned thereon constitute a trust fund for the security and payment of the bonds and shall not be used or pledged for any other purpose as long as any such bonds are outstanding and unpaid.

30980. While any bonds issued by the authority remain outstanding, the powers, duties, or existence of the authority shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of the bonds.

30981. The holder of any bond may by mandamus or other appropriate proceeding compel the performance of any of the duties imposed upon the authority or its officers, agents, and employees in connection with the construction, maintenance, operation, and insurance of the toll bridge, in connection with the collection, deposit, investment, application, and disbursement of all tolls and other revenues derived from the operation and use of the toll bridge, and in connection with the deposit, investment, and disbursement of the proceeds received from the sale of bonds. The enumeration of rights and remedies in this chapter does not exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds.

30982. The Superintendent of Banks may investigate and ascertain the status or sufficiency as investments for savings banks in this state of any such bonds. If upon investigation it is determined in his opinion that such bonds constitute a proper investment for savings banks, he shall so certify. He may revoke any such certificate issued by him at any time in his discretion.

30983. All bonds issued by the authority pursuant to this chapter, and which have been first certified by the Superintendent of Banks, are legal investments for all trust funds, for the funds of all insurance companies, commercial and savings banks, and trust companies, and for state school funds.

30984. Any money or funds which may by law be invested in bonds of the state, cities, counties, or school districts in the state may be invested in the bonds issued by the authority.

30985. Whenever any bonds of the state, or of any city, county, or school district in the state, may by law be used as security for the performance of any act or the deposit of any public money the bonds issued by the authority may be so used.

Article 5. Custody and Use of Money

30990. The proceeds from the sale of all bonds authorized pursuant to this chapter shall be paid to the treasurer for the credit of the authority and forthwith deposited as demand deposits in such depositary or depositaries as are authorized by law to receive deposits of state funds, to the credit of a fund to be designated as the acquisition and construction fund of the toll bridge. The fund shall at all times be kept segregated and set apart from all other funds.

30991. The proceeds from the sale of the bonds shall be paid out or disbursed solely for the acquisition or construction of the toll bridge, the aquisition of the necessary lands and easements therefor, and the payment of interest on the bonds during the period of actual construction and for a period of six months thereafter, only as the need therefor arises. The authority may agree with the purchaser of the bonds upon any conditions or limitations restricting the disbursement of such funds which are deemed advisable for the purpose of assuring the proper application of the funds.

30992. All money in the acquisition and construction fund not required to meet current acquisition or construction costs of the toll bridge, and all funds constituting surplus revenues which are not immediately needed for the particular object or purpose to which they are required to be applied or to which they are pledged, shall be invested in bonds and obligations eligible for investment of surplus state money. The authority may provide in the proceedings authorizing the issuance of the bonds that the investment of such money shall be made only in particular bonds and obligations within the classifications eligible for such investment, and such provisions shall be binding upon the authority and all officials having anything to do with the investment.

30993. Any surplus which exists in the acquisition and construction fund shall be applied to the retirement, by purchase or call, of bonds issued for the acquisition or construction of the toll bridge. If such bonds cannot be purchased at a price satisfactory to the authority and are not by their terms callable prior to maturity, the surplus shall be paid into the

fund applicable to the payment of principal and interest of such bonds and shall be used for that purpose. The proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying the surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called, and such limitations and conditions shall be followed and observed in the application and use of the surplus. All bonds retired by purchase or call shall be immediately canceled.

30994. All tolls or other revenues received from the operation of the toll bridge shall be paid over by the department at least monthly to the treasurer who shall deposit them forthwith in such depositary or depositaries as are authorized by law to receive deposits of state funds, to the credit of a special fund to be designated as the toll revenue fund of the toll bridge, which fund shall at all times be kept segregated and set apart from all other funds.

30995. From the money deposited in the acquisition and construction fund, the treasurer shall transfer to the place or places of payment named in the bonds such sums as are required to pay the interest as it becomes due on all bonds sold and outstanding for the construction of the toll bridge during the period of actual construction and during the period of six months immediately thereafter The treasurer shall thereafter transfer from the toll revenue fund to the place or places of payment named in the bonds such sums as are required to pay the interest on the bonds and to redeem the principal thereof as such interest payments and bond redemptions fall due for all bonds issued and sold for the construction or acquisition of the toll bridge. All funds transferred for the payment of principal or interest on bonds issued for the toll bridge shall be segregated and applied solely for the payment of such principal and interest.

30996. The money remaining in the toll revenue fund, after providing the amount required for interest and redemption of bonds, shall be held and applied as provided in the proceedings authorizing the issuance of the bonds. If the proceedings authorizing the issuance of the bonds do not require surplus revenues to be held or applied in any particular manner, they shall be allocated and used for such other purposes incidental to the acquisition, construction, operation, and maintenance of the toll bridge as the authority determines.

30997. Money required to meet the costs of acquisition or construction and all expenses and costs incidental to the acquisition or construction of the toll bridge, or to meet the costs of operating, maintaining, and repairing it, shall be paid from the proper fund therefor upon demand of the authority.

30998. All interest received or earned on money deposited in each and every fund provided for in this article shall be credited to and become a part of the particular fund upon which the interest accrues.

30999. Notwithstanding anything contained in this chapter, the proceeds received from the sale of bonds and the tolls or other revenues received from the operation of the toll bridge may be used to defray any expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds for the acquisition or construction of the toll bridge, including expenses for the preparation of surveys and estimates and the making of inspections and examinations as may be required by the purchasers of the bonds, except that the proceedings authorizing the issuance of such bonds may contain appropriate provisions governing the use and application of the bond proceeds and toll or other revenues for the purposes specified in this section.

Article 6. Acquisition and Disposition of Property

31000. The authority may acquire by gift, purchase, or eminent domain proceedings any franchise, rights, privileges, easements, or other property, either real or personal, necessary therefor, when the construction of the toll bridge is authorized by the authority. This article shall not apply to any portion of the state highway system.

31001. In eminent domain proceedings to acquire property for any of the purposes of this chapter, any real property, personal property, franchises, rights, easements, or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, private, public, or municipal corporation, county, city, district, or any political subdivision of the state, may be condemned and taken, and the acquisition and use thereof as provided in this chapter for the same public use or purpose to which such property has been appropriated or dedicated or for any other public use or purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated.

It shall not be necessary in any eminent domain proceedings pursuant to this section to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution provided for in this article describing the property sought to be taken and directing such proceedings.

31002. Pursuant to the Constitution and laws relating to eminent domain proceedings, the authority may condemn and take, in fee or otherwise, as the authority determines, in the name of the authority, any real estate, personal property, franchises, rights, privileges, or easements, whether publicly or privately owned and whether or not already devoted to a public use or purpose, deemed necessary for the toll bridge.

31003. The authority shall commence any such proceedings in eminent domain whenever it first passes a resolution declaring that public interest and necessity require the construction of the toll bridge and that the acquisition of any particular

real estate, personal property, franchises, rights, privileges, or easements is necessary therefor. Such resolution shall be conclusive evidence:

(a) Of the public necessity of such construction.

(b) That such property and franchises, rights, privileges, or easements are, and that the acquisition of the fee or other interest therein is, necessary therefor.

(c) That such proposed construction is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

31004. The authority may condemn and take, in fee or otherwise as the authority determines, in the name of the authority, pursuant to or in conjunction with any other proceedings at any time brought pursuant to this article, any real property considered necessary for the purpose of exchanging it for other real property to be used for any of the purposes of this chapter.

Real property may be acquired for such purposes only when the owner of the property needed for a purpose provided in this chapter has agreed in writing to such exchange, and when, in the opinion of the authority, an economy in the acquisition of the necessary property can be effected thereby. The determination of the authority is conclusive evidence of all matters set forth in this section.

31005. The right-of-way is given, dedicated, and set apart upon which to locate, construct, and maintain the toll bridge through, over, under, on, or across any property of the state now or hereafter owned, opened, or dedicated to or for public use and howsoever acquired, and through, over, under, on, or across the streets, alleys, lanes, and roads now or hereafter opened or dedicated to or for public use and howsoever acquired which are now or may be within any county, city, public or municipal corporation, district, or political subdivision of the state.

31006. If any property belonging to any county, city, public or municipal corporation, district, or political subdivision of the state, is taken for the acquisition or construction of the toll bridge, or if any such property is injured or damaged by such acquisition or construction, and the payment of compensation therefor is necessary, proper and necessary compensation therefor as is agreed upon may be paid by the authority to the particular county, city, public or municipal corporation, district, or political subdivision of the state owning or in charge of such property, or the authority may direct that eminent domain proceedings be brought pursuant to this article for the determination of such compensation, including the determination of the interest of any such county, city, public or municipal corporation, district, or political subdivision in such property and the necessity for the payment of such compensation.

Whenever the authority requires a public utility to remove and relocate any utility facility, the authority shall reimburse

the owner of the public utility facility for the expense of the removal and relocation.

31007. In all cases where, by statute or otherwise, any right is reserved or granted to the state or any state agency to construct or maintain highways, bridges, or approaches thereto, or other highway crossings, over, through, under, on, or across any public or private property, the authority is entitled to the benefit of such reservation or grant.

31008. Whenever any property acquired for any of the purposes of this chapter, whether by agreement, grant, or eminent domain, either in fee or in any lesser estate or interest, is no longer necessary for use in connection with any improvement authorized to be constructed pursuant to this chapter, or whenever a lesser interest than is owned therein is sufficient for the construction, maintenance, and operation of any improvement, or whenever it is for any other reason in the public interest so to do, the property, any part thereof, or any interest therein may be leased, sold, exchanged, or otherwise disposed of or dealt with by the authority in the manner, upon such terms, and subject to such reservations as it deems necessary or desirable.

31009. Whenever, either before or after the construction or reconstruction of streets, sidewalks, or other like facilities upon any property or interest in property acquired pursuant to this chapter, it appears desirable to dedicate the property to public use for such purpose, the authority may dedicate or transfer the property to any county, city, or other public or municipal corporation within which it is located, subject, however, to any rights or interests necessary for the proper construction, maintenance, and operation of the toll bridge which extends through, over, under, on, or across the property.

31010. Any money received for any such property shall be received into the funds for the toll bridge for which the property was originally acquired.

Article 7. Insurance of Property

31020. When the toll bridge is being built by the authority, it may carry or cause to be carried such an amount of insurance or indemnity bond as protection against loss or damage as it deems proper.

31021. The authority may carry insurance in such amount as it deems proper to cover any accident or destruction in part or in whole to the toll bridge until all bonds sold for the acquisition or construction of such toll bridge and interest accrued thereon have been fully redeemed and paid.

31022. All money collected on any indemnity bond or insurance policy as the result of any damage or injury to the toll bridge shall be used for the purpose of repairing or rebuilding the toll bridge, as long as there are revenue bonds against such structure outstanding and unredeemed.

31023. The authority may also carry insurance or indemnity bonds insuring against the loss of tolls or other revenues to be derived from the toll bridge by reason of any interruption in the use of the toll bridge from any cause whatever. The proceeds of the insurance or indemnity bonds shall be paid into the fund into which the tolls and other revenues of the toll bridge so insured are required to be paid and shall be applied to the same purposes and in the same manner as other money in the fund. The insurance or indemnity bonds may be in an amount equal to the probable tolls and other revenues to be received from the operation of the toll bridge during any period of time determined by the authority and fixed in its discretion, and may be paid for out of the toll revenue fund as specified in the proceedings.

Article 8. Local Cooperation

31030. Any city, county, district, or political subdivision of the state upon the request of the authority may advance or contribute money, rights-of-way, labor, materials, and other property toward the expense of building, acquiring, and maintaining the toll bridge, and for preliminary surveys and the preparation of plans and estimates of cost thereof and other preliminary expenses. Appropriations for such purposes may be made from any funds available, including highway funds received from the state.

31031. Any city, county, district, or political subdivision of the state may issue general obligation bonds for any of the purposes enumerated in this article. All proceedings for the authorization, issue, and sale of such bonds shall be had under the law governing the issue and sale of bonds for public improvements by the particular political subdivision or public corporation.

31032. Money or property advanced or contributed pursuant to this article may be immediately transferred or delivered to the authority to be used for the purpose for which such advance or contribution was made.

31033. The authority may enter into a binding agreement with any city, county, district, or political subdivision of the state to repay any money or the value of any rights-of-way, labor, materials, or other property advanced or contributed toward the expense of acquiring or constructing the toll road and bridge, but no repayment therefor shall be made until all obligations issued by the authority for the construction of such toll bridge have been fully redeemed and paid, and then only out of the tolls and revenues received from the operation of the toll bridge.

31034. The collection of tolls shall be continued on the toll road and bridge until all bonds issued pursuant to this chapter for its construction are fully redeemed and paid.

31035. After all bonds issued pursuant to this chapter for the construction of the toll bridge have been fully redeemed

and paid, the authority may continue to collect tolls and other revenues for the use of such toll road and bridge for the purpose of reimbursing the state for any expenditures which have been made by it in connection with the toll bridge and for the purpose of repayment to any city, county, district, or political subdivision of the state of any amount the authority has agreed to repay for money, rights-of-way, labor, materials, or other property advanced or contributed for the acquisition or construction of the toll bridge.

Article 9. Operation and Maintenance After Retirement of Bonds

31040. After all bonds issued pursuant to this chapter for the construction of the toll bridge have been fully redeemed and paid, the authority shall either:

(a) Transfer the toll bridge to the Counties of Placer and El Dorado for operation and maintenance as a county road by the two counties free of tolls under an agreement executed pursuant to Article 1 (commencing with Section 6500) of Chapter 5, Division 7, Title 1 of the Government Code, which agreement shall provide, among other things, that the toll bridge shall either be operated and maintained free of tolls or that the rates of tolls shall be adjusted so as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the toll road and bridge under economical management; or

(b) Operate and maintain the toll bridge itself either free of tolls or at rates of toll adjusted so as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the toll bridge under economical management.

31041. If the toll bridge is transferred to the Counties of Placer and El Dorado pursuant to subdivision (a) of Section 31040, the existence of the authority shall thereupon automatically terminate, and all property, funds, and records relating to the toll bridge shall be transferred to the counties, or to any entity designated in the agreement between the counties, as authorized by Section 6506 of the Government Code, and thereafter the counties, or such entity, shall be responsible for the maintenance, repair, and operation of the toll bridge, and for the fulfillment of any outstanding contracts executed by the authority and the payment of any outstanding debts or liabilities incurred by the authority.

CHAPTER 1265

An act to amend Section 73 of the Streets and Highways Code, relating to state highways.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 73 of the Streets and Highways Code is amended to read:

73. The commission shall relinquish to any county or city any portion of any state highway within such county or city which has been deleted from the state highway system by legislative enactment, and such relinquishment shall become effective upon the first day of the next calendar or fiscal year, whichever first occurs after the effective date of such legislative enactment. It may likewise relinquish any portion of any state highway which has been superseded by relocation. Whenever the department and the county or city concerned have entered into an agreement providing therefor, or the legislative body of such county or city has adopted a resolution consenting thereto, the commission may relinquish, to any such county or city, any frontage or service road or outer highway, within the territorial limits of such county or city, which has a right-of-way of at least forty (40) feet in width and which has been constructed as a part of a state highway or freeway project, but does not constitute a part of the main traveled roadway thereof.

Relinquishment shall be by resolution. A certified copy of such resolution shall be filed with the board of supervisors or the city clerk, as the case may be; a certified copy of such resolution shall also be recorded in the office of the recorder of the county where such land is located, and upon such recordation, all right, title and interest of the state in and to such portion of any state highway shall vest in the county or city, as the case may be, and such highway or portion thereof shall thereupon constitute a county road or city street, as the case may be.

The vesting of all right, title and interest of the state in and to such portions of any state highways heretofore relinquished by the commission, in the county or city to which it was relinquished is hereby confirmed

Prior to relinquishing any portion of a state highway to a county or a city, except where required by legislative enactment, the department shall give 90 days' notice in writing of intention to relinquish to the board of supervisors, or the city council, as the case may be. Where the resolution of relinquishment contains a recital as to the giving of said notice, adoption of the resolution of relinquishment shall be conclusive evidence that said notice has been given.

The commission shall not relinquish to any county or city any portion of any state highway which has been superseded by relocation until the department has placed the highway, as defined in Section 23 of this code, in a state of good repair. This requirement shall not obligate the department for widening, new construction, or major reconstruction, except as the commission may direct.

Within the 90-day period the board of supervisors or the city council may protest in writing to the commission stating the reasons therefor, including, but not limited to, objections that the highway is not in a state of good repair or that the highway is not needed for public use and should be abandoned by the commission. In the event that the commission does not comply with the requests of the protesting body it may proceed with the relinquishment only after a public hearing given to the protesting body on 10 days written notice.

CHAPTER 1266

An act to amend Sections 21252.45, 21293.5, 21338, and 21364.7 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 21252.45 of the Government Code is amended to read:

21252.45. The percentage of final compensation, for purposes of calculating the current service pension under Section 21252.4 for a local safety member retiring after the effective date of his coverage under the federal system shall be reduced by one-third as applied to that part of the member's final compensation which does not exceed four hundred dollars ($400) per month.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, or in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

This section and Section 21252.4 shall supersede Section 21252.5 with respect to all service to a contracting agency electing to be subject hereto; provided, however, that members in employment of such contracting agency on the effective date of the contract amendment subjecting the agency and its employees to this Section 21252.45 may elect, in accordance

with board rules, to continue subject to Section 21252.5, and the contracting agency shall be subject to Section 21252.5 rather than this section with respect to members who so elect.

SEC. 2. Section 21293.5 of the Government Code is amended to read:

21293.5. The disability retirement allowance of a member who retires for industrial disability and who is credited with service as a member of the system, compensation for which was also subject to contribution under the federal system, shall be reduced by the amount of any retirement or disability benefit he is entitled to receive under the federal system. The reduction shall apply only during such time as he is entitled to receive the benefit under the federal system and shall not exceed the amount of the allowance derived from contributions of the employer. The amount of the reduction shall not be adjusted because of changes in the amount of the benefit under the federal system or in the amount of the allowance under this system derived from contributions of the employer occurring after the effective date of retirement for disability under this system.

Notwithstanding the amendment to this section at the 1963 Regular Session of the Legislature, the disability retirement allowance of a member retired for industrial disability from employment held on October 1, 1963, and continuously thereafter to the date of retirement and in which his compensation was on that date subject to contribution under the federal system shall not be less than it would have been had this section not been so amended.

SEC. 3. Section 21338 of the Government Code is amended to read:

21338. A member retiring for service who is credited with state service, the compensation for which was subject to contribution pursuant to Section 218 of the Social Security Act, and who is fully insured under the federal system but is not entitled to receive, on his application therefor, a retirement or disability benefit under such system may elect to have the actuarial equivalent of his unmodified service retirement allowance paid in two parts:

(a) A temporary annuity which shall not exceed the primary social security benefit which it is anticipated the member will be entitled to receive at age 62 or 65, whichever shall be designated by the member, plus

(b) A life income consisting of his service retirement annuity plus such pension as may be provided by the actuarial value of his current and prior service pensions remaining after providing the temporary annuity in (a).

The temporary annuity under (a) shall not be subject to further optional settlement under this article and shall be payable monthly until the retired member attains or would attain the age designated by the member under subdivision (a). Should his death occur prior to such age, the commuted

value of any remaining installments shall be paid to his designated beneficiary in the manner provided in Section 21332.5 for payment of death benefits under optional settlement one.

This section shall not apply to an allowance based on service with respect to which a member is subject to Section 21252.5.

SEC. 4. Section 21364.7 of the Government Code is amended to read:

21364.7. The special death benefit or the continued allowance under Sections 21263, 21263.1, or 21264 payable if the deceased was a member who was credited with service, compensation for which was subject to contribution under the federal system, shall be reduced during such time as his survivor or survivors are entitled to receive a survivor benefit under the federal system.

The reduction shall be in the amount of the benefit to which there is entitlement under the federal system; provided, however, that it shall not exceed the amount of the benefit derived from contributions of the employer. The amount of the reduction shall not be adjusted because of changes in the amount of the benefit under the federal system or in the amount of benefit or allowance under this system derived from contributions of the employer occurring after the death of the member or retired person.

Notwithstanding the amendment to this section and the repeal of Section 21364.6 at the 1963 Regular Session of the Legislature, the special death benefit or continued allowance payable on death of a member in employment, or retired from employment, whichever the case may be, which the member held on October 1, 1963, and continuously thereafter to the date of death or retirement, and in which his compensation was on that date subject to contribution under the federal system, shall not be less than it would have been had this section not been so amended or Section 21364.6 repealed.

CHAPTER 1267

An act to amend Section 705 of the Welfare and Institutions Code, relating to juvenile proceedings.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 705 of the Welfare and Institutions Code is amended to read:

705. Whenever the court, before or during the hearing on the petition, is of the opinion that the minor is mentally ill or if the court is in doubt concerning the mental health of any such person, the court may order that such person be held tem-

porarily in the psychopathic ward of the county hospital or hospital whose services have been approved and/or contracted for by the department of health of the county, for observation and recommendation concerning the future care, supervision, and treatment of such person.

CHAPTER 1268

An act to amend Sections 11519, 26701, 26703, 26704, and 31404 of, to add Section 535 to, and to repeal Section 26702 of, the Vehicle Code, relating to glazing materials in motor vehicles.

[Approved by Governor August 17, 1967. Filed with Secretary of State August 17, 1967.]

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

SECTION 1. Section 535 is added to the Vehicle Code, to read:

535. Safety glazing material is any glazing material so constructed, treated, or combined with other materials as to reduce, in comparison with ordinary sheet, plate, or float glass, the likelihood of injury to persons by glazing material whether it may be broken or unbroken.

SEC. 2. Section 11519 of the Vehicle Code is amended to read:

11519. No vehicle which has been reported dismantled may be subsequently registered until it has been inspected by the department and found to be in a safe mechanical condition and equipped with safety glazing material.

SEC. 3. Section 26701 of the Vehicle Code is amended to read:

26701. (a) No person shall sell, offer for sale, or operate any motor vehicle, except a motorcycle, manufactured after January 1, 1936, unless it is equipped with safety glazing material of a type approved by the department, wherever glazing materials are used in partitions, doors, windows, windshields, or wind deflectors.

(b) No person shall sell or offer for sale any camper manufactured after January 1, 1968, nor shall any person operate a motor vehicle registered in this state which is equipped with such a camper, unless the camper is equipped with safety glazing material of a type approved by the department wherever glazing materials are used in outside windows and doors.

(c) No person shall sell, offer for sale or operate any motor vehicle, equipped with red or amber glazing material in any partitions, windows, windshields, or wind deflectors.

SEC. 4. Section 26702 of the Vehicle Code is repealed.

SEC. 5. Section 26703 of the Vehicle Code is amended to read:

26703. (a) No person shall replace any glazing materials used in partitions, doors, or windows in any motor vehicle, or in the outside windows or doors of any camper, with any glazing material other than safety glazing material of a type approved by the department.

(b) No person shall replace any glazing material used in the windshield, rear window, wind deflectors or windows to the left and right of the driver with any material other than safety glazing material approved by the department.

SEC. 6. Section 26704 of the Vehicle Code is amended to read:

26704. The department shall establish specifications or requirements for approved safety glazing material which shall not be lower in standard than those specifications or requirements for safety glazing material established by the United States of America Standards Institute Safety Code Z26.1-1950, and shall maintain a list of approved safety glazing material.

SEC. 7. Section 31404 of the Vehicle Code is amended to read:

31404. All broken glass in windows or elsewhere on a vehicle subject to the provisions of Section 31401 shall be removed. Replacement shall be made with safety glazing material as defined in Section 535.

CHAPTER 1269

An act to amend Section 25436 of, and to add Section 1828.5 to, the Education Code, relating to junior college districts, and declaring the urgency thereof to take effect immediately.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 1828.5 is added to the Education Code, to read:

1828.5. When a junior college district is formed to include territory in four or more counties, and the new district thereby acquires property of a former junior college district which ceases to exist by virtue of its inclusion in the new district, no tax levy shall be made for purposes of Section 1828 against the assessed valuation within the territory of the former junior college district, for the redemption of bond principal or payment of interest on indebtedness which was originally a liability against territory other than that of the former junior college district until present or future bonds equal to the appraised value of the property acquired have been redeemed through the payment of principal and interest from revenue derived from a tax levy against the assessed valuation of all of the territory of the new district except the territory of the

former junior college district from which the property was acquired.

SEC. 2. Section 25436 of the Education Code is amended to read:

25436. A junior college district may include all or part of the territory of one high school or unified district or two or more high school or unified districts and may, with the approval of the State Board of Education, include noncontiguous territory; provided, however, that the terms of this section shall not be applicable to any districting proposals initiated prior to March 1, 1967. A districting proposal shall be deemed to have been initiated when the board of trustees of a junior college district and the board of trustees of the district seeking annexation have adopted resolutions ratifying the terms of the annexation agreement.

SEC. 3. 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 such necessity are:

Several school districts are presently initiating proceedings for annexation of noncontiguous areas. Immediate enactment of this measure will permit a state level review of the merits of such proposals.

Further, immediate enactment of this measure is necessary to enable school districts to prepare their 1967–1968 budgets and determine the school district tax rate.

CHAPTER 1270

An act to amend Sections 645 and 646 of the Probate Code, relating to administration of estates.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 645 of the Probate Code is amended to read:

645. If, upon the hearing of any petition provided for by this article, the court finds that the net value of the estate over and above all liens and encumbrances at the date of the death of the decedent and over and above the value of any homestead interest set apart out of decedent's estate under Section 660 or Section 661 of this code, does not exceed the sum of five thousand dollars ($5,000), as of the date of such death, and that the expenses of the last illness, funeral charges and expenses of administration have been paid, it shall, by decree for that purpose, assign to the surviving spouse of the decedent, if there be a surviving spouse, provided said surviving spouse shall not

have theretofore remarried, or, if there be no surviving spouse, then to such child or children of the decedent as may then be minors, if any, the whole of the estate, subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the decedent. The title thereto shall vest absolutely in such surviving spouse, or if there be no such surviving spouse, the minor child or children subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the decedent, and there must be no further proceedings in the administration, unless further estate be discovered. But no surviving spouse or minor child shall be entitled to such an assignment who has other estate, including the total value of any property held by such surviving spouse or minor child in joint tenancy with the decedent and the value of any homestead interest set apart to such person out of decedent's estate under Section 660 or Section 661 of this code, the net value of which, over and above all liens and encumbrances, exceeds the amount of the homestead exemption to a head of a family, as provided in Title 5 (commencing with Section 1237) of Part 4 of Division 2 of the Civil Code.

SEC. 2. Section 646 of the Probate Code is amended to read:

646. If the court finds that the net value of the estate exceeds five thousand dollars ($5,000), or that the surviving spouse or minor child has other estate exceeding in value, the amount of the homestead exemption to a head of a family, as provided in Title 5 (commencing with Section 1237) of Part 4 of Division 2 of the Civil Code, or that there is neither a surviving spouse nor a minor child, it shall act upon the petition for probate or for letters of administration in the same manner as though no petition to set aside the estate had been included, and the estate shall then be administered in the usual manner.

CHAPTER 1271

An act to amend Sections 1203.4 and 1203.4a of the Penal Code, relating to criminal offenses.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 1203.4 of the Penal Code is amended to read:

1203.4. Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, shall at any time thereafter be permitted by the court to withdraw his plea of guilty or plea of nolo conten-

dere and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusations or information against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right and privilege in his probation papers. The probationer may make such application and change of plea in person or by attorney, or by the probation officer authorized in writing; provided, that in any subsequent prosecution of such defendant for any other offense, such prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.

Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess or have in his custody or control any firearm capable of being concealed upon the person or prevent his conviction under Section 12021.

SEC. 2. Section 1203.4a of the Penal Code is amended to read:

1203.4a. (a) Every defendant convicted of a misdemeanor and not granted probation shall, at any time after the lapse of one year from the date of pronouncement of judgment, if he has fully complied with and performed the sentence of the court, is not then serving a sentence for any offense and is not under charge of commission of any crime and has, since such pronouncement of judgment, lived an honest and upright life and has conformed to and obeyed the laws of the land, be permitted by the court to withdraw his plea of guilty or nolo contendere and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusatory pleading against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense of which he has been convicted. The defendant shall be informed of the provisions of this section, either orally or in writing, at the time he is sentenced. The defendant may make such application and change of plea in person or by attorney, or by the probation officer authorized in writing; provided, that in any subsequent prosecution of such defendant for any other offense, such prior conviction may be pleaded and proved and shall have the same effect as if relief had not been granted pursuant to this section.

This subdivision applies to convictions which occurred before as well as those occurring after, the effective date of this section.

(b) Subdivision (a) of this section shall not apply to any misdemeanor falling within the provisions of Section 42001 of the Vehicle Code or to a violation of any ordinance relating to the parking of vehicles.

CHAPTER 1272

An act to add Section 107.5 to the Business and Professions Code, relating to seals of the agencies in the Department of Professional and Vocational Standards.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 107.5 is added to the Business and Professions Code to read:

107.5. If any board in the department uses an official seal pursuant to any provision of this code, the seal shall contain the words "State of California" and "Department of Professional and Vocational Standards" in addition to the title of the board, and shall be in a form approved by the director.

CHAPTER 1273

An act to amend Sections 23988 and 24015 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 23988 of the Business and Professions Code is amended to read:

23988. Upon receipt by the department within such 30 days of a protest by the governing body of the city or county to whom notice of a license issuance or transfer application has been mailed against the issuance or transfer of a license, the department shall not issue or transfer the license until after a public hearing is held by the department. If the licensed premises are to be located within a city, the hearing shall be held within such city. If the licensed premises are to be located within unincorporated territory of a county, the hearing shall be held within such county. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 2. Section 24015 of the Business and Professions Code is amended to read:

24015. The hearing to consider a protest shall be held in the city, if the licensed premises are to be located within the city, or in the county, if the licensed premises are to be located within the unincorporated territory of such county.

CHAPTER 1274

An act to amend Sections 20953 and 21401 of the Education Code, relating to school districts.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 20953 of the Education Code is amended to read:

20953. Notwithstanding the provisions of Sections 20951 and 21001 or any provision of this code to the contrary, the governing board of any school district may, by a majority vote of its membership, and with the approval of the county superintendent of schools, budget and use any unbudgeted income provided during the fiscal year from any source other than local property taxes or the State School Fund, provided that increases in apportionments from the State School Fund to be received during the fiscal year on account of the average daily attendance of pupils in a special program financed by categorical aid from the federal or other governmental source may be budgeted and used under the provisions of this section.

SEC. 2. Section 21401 of the Education Code is amended to read:

21401. The governing board of a school district may provide for the accumulation over a period of school years of funds for capital outlay purposes and salaries of school district employees whose work is directly related to projects financed by such funds, derived from the receipt of taxes levied for the district and from other sources including balances, and not required to be used for other than capital outlay purposes.

CHAPTER 1275

An act to amend Section 856 of the Financial Code, relating to deposits of public funds.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 856 of the Financial Code is amended to read:

856. A bank shall not have on deposit at any one time moneys of the State of California, of the cities, counties, and other political subdivisions of the state, and of the public corporations and districts of the state, which, in the aggregate, exceed in amount 400 percent of its entire capital and surplus including that of all departments. The amount of such moneys on deposit secured by surety bonds shall not at any time, in the aggregate, exceed the amount of the bank's entire capital.

CHAPTER 1276

An act to amend Sections 25601.1 and 25851.1 of the Education Code, relating to blind and deaf pupils.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 25601.1 of the Education Code is amended to read:

25601.1. On or before July 15, the superintendent of each California School for the Deaf shall report in writing to the governing board of each school district of residence the name of each pupil and the number of days attended by each pupil during the fiscal year. For each such pupil in attendance at a California School for the Deaf, under the provisions of this chapter, the school district of residence shall annually pay to the State Department of Education an amount determined by (1) dividing the income credited to the general fund of the school district from the levy of the general purpose tax rate by the average daily attendance of the school district, and (2) multiplying the quotient obtained by the ratio that the number of days the pupil attended the school for the deaf bears to the number of days the school for the deaf was in session. The payment to the State Department of Education by the school district of residence shall be made by the September 30 following the end of the fiscal year of attendance and credited by the State Controller to the current appropriation for the support and maintenance of the appropriate school for the deaf.

For determining the school district responsible under the provisions of this section for making the payment when the pupil resides in other than a unified school district, pupils 15 years of age or older as of September 1 of each fiscal year shall be considered a resident of the high school district, and pupils 14 years of age or under as of September 1 shall be considered a resident of the elementary district.

The State Controller shall withhold from the second principal apportionment of the fiscal year following the year of attendance the amount from any school district which has not been paid to the State Department of Education by the time of such apportionment, the amount due on account of the attendance of pupils of the district at the California Schools for the Deaf as reported to the Controller. The Controller shall transfer the amount withheld to, or in augmentation of, the appropriate Department of Education support appropriation, as designated by the department.

SEC. 2. Section 25851.1 of the Education Code is amended to read:

25851.1. On or before July 15, the Superintendent of the California School for the Blind shall report in writing to the governing board of each school district of residence the name of

each pupil and the number of days attended by each pupil during the fiscal year. For each such pupil in attendance at the California School for the Blind, under the provisions of this chapter, the school district of residence shall annually pay to the State Department of Education an amount determined by (1) dividing the income credited to the general fund of the school district from the levy of the general purpose tax rate by the average daily attendance of the school district, and (2) multiplying the quotient obtained by the ratio that the number of days the pupil attended the school for the blind bears to the number of days the school for the blind was in session. The payment to the State Department of Education by the school district of residence shall be made by the September 30 following the end of the fiscal year of attendance and credited by the State Controller to the current appropriation for the support and maintenance of the school for the blind.

For determining the school district responsible under the provisions of this section for making the payment when the pupil resides in other than a unified school district, pupils 15 years of age or older as of September 1 of each fiscal year shall be considered a resident of the high school district, and pupils 14 years of age or under as of September 1 shall be considered a resident of the elementary district.

The State Controller shall withhold from the second principal apportionment of the fiscal year following the year of attendance the amount from any school district which has not been paid to the State Department of Education by the time of such apportionment, the amount due on account of the attendance of pupils of the district at the California School for the Blind as reported to the Controller. The Controller shall transfer the amount withheld to, or in augmentation of, the appropriate Department of Education support appropriation, as designated by the department.

SEC. 3. The amendments of Sections 25601.1 and 25851.1 of the Education Code provided for by this act do not constitute a change in, but are declaratory of, the pre-existing law.

CHAPTER 1277

An act to add Section 5012.1 to the Public Resources Code, relating to the acquisition of certain interests in real property.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 5012.1 is added to the Public Resources Code, to read:

5012.1. In any lease, easement, right-of-way, license, or permit entered into whereby the department leases real prop-

erty, obtains a license, permit, or a grant of easement or right-of-way to enter upon the property, the department may agree to indemnify and hold harmless the grantor, lessor, licensor, or permittor by reason of the uses or entry authorized by such lease, easement, right-of-way, license, or permit, and may agree to pay for any damages caused by such authorized use or entry. Insurance may be purchased by the Department of General Services, upon request of the department, to protect the department against loss or expense arising out of such a lease, license, permit, easement or right-of-way.

CHAPTER 1278

An act to add Section 14662.5 to the Government Code, relating to state acquisition of property.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 14662.5 is added to the Government Code, to read:

14662.5. In any agreement entered into whereby the state obtains a grant of easement, lease, license, right-of-way or right of entry, the state agency or its director entering into the agreement on behalf of the state may agree to indemnify and hold harmless the grantor, lessor, or licensor and may agree to repair or pay for any damage proximately caused by reason of the uses authorized by such easement, lease, license, right-of-way, or right of entry agreement.

CHAPTER 1279

An act to amend Section 562 of the Welfare and Institutions Code and to amend Section 13358 of the Vehicle Code, relating to juvenile proceedings.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 562 of the Welfare and Institutions Code is amended to read:

562. Subject to the orders of the juvenile court, a traffic hearing officer may hear and dispose of any and all cases wherein a minor under the age of 18 years of the date of the alleged offense is charged with any violation of the Vehicle Code not declared to be a felony, or a violation of any of the

equipment and registration provisions of the Harbors and Navigation Code, or a violation of any provision of an ordinance of a city or county relating to traffic offenses.

SEC. 2. Section 13358 of the Vehicle Code is amended to read:

13358. Upon the recommendation of the judge of the juvenile court, a juvenile traffic hearing officer, any duly constituted referee of a juvenile court or a juvenile probation officer of any county, the department may suspend or revoke the privilege of any minor within the jurisdiction of such juvenile court to operate a motor vehicle.

Whenever a minor is found by a court to have violated any of the provisions of this code relating to the speed of vehicles, reckless driving, driving under the influence of intoxicating liquor, failure of a driver of a vehicle involved in an accident to stop or otherwise comply with the provisions of Section 20002, the court may, unless this code makes mandatory a revocation of such privilege by the department, suspend the privilege in the same manner and for the same periods of time as if the finding were a conviction, as provided in Sections 13200 and 13201.

CHAPTER 1280

An act to amend Sections 35400 and 35402 of, to add Section 35704 to, and to repeal Sections 35403, 35404, and 35405 of, the Vehicle Code, relating to length of vehicles.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 35400 of the Vehicle Code is amended to read:

35400. (a) No vehicle shall exceed a length of 40 feet.

(b) This section does not apply to:

(1) A vehicle used in a combination of vehicles when the excess length is caused by auxiliary parts, equipment, or machinery not used as space to carry any part of the load, except that the combination of vehicles shall not exceed the length provided for combination vehicles.

(2) A vehicle when the excess length is caused by any parts necessary to comply with the fender and mudguard regulations of this code.

(3) An articulated bus, except that such bus shall not exceed a length of 60 feet.

(4) An articulated trolley coach, except that such trolley coach shall not exceed a length of 50 feet.

SEC. 2. Section 35402 of the Vehicle Code is amended to read:

35402. Any extension or device, including any adjustable axle added to the front or rear of a vehicle, used to increase

the carrying capacity of a vehicle shall be included in measuring the length of a vehicle, except that a drawbar shall not be included in measuring the length of a vehicle but shall be included in measuring the overall length of a combination of vehicles.

SEC. 3. Section 35403 of the Vehicle Code is repealed.

SEC. 4. Section 35404 of the Vehicle Code is repealed.

SEC. 5. Section 35405 of the Vehicle Code is repealed.

SEC. 6. Section 35794 is added to the Vehicle Code, to read:

35794. The Department of Public Works or local authorities with respect to highways under their respective jurisdictions may, at their discretion, upon application in writing, issue a special permit, on either an individual trip or annual basis, authorizing the applicant to move a combination of vehicles when used on the highway for the exclusive purpose of transporting produce from a farm to a processing facility and returning to such farm, so long as such combination of vehicles does not exceed a total length of 65 feet.

CHAPTER 1281

An act to amend Section 12200 of, and to add Section 12251 to, the Penal Code, relating to machineguns.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 12200 of the Penal Code is amended to read:

12200. The term "machinegun" as used in this chapter means any weapon which shoots, or is designed to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger, and includes any frame or receiver which can only be used with such weapon.

SEC. 2. Section 12251 is added to the Penal Code, to read:

12251. It shall be a public nuisance to possess any machinegun in violation of this chapter, and the Attorney General, any district attorney or any city attorney may bring an action before the superior court to enjoin the possession of any such machinegun.

Any such machinegun found to be in violation of this chapter shall be surrendered to the Bureau of Criminal Identification and Investigation, and the bureau shall destroy such machinegun so as to render it unusable and unrepairable as a machinegun, except upon the filing of a certificate with the bureau by a judge or district attorney stating that the preservation of such machinegun is necessary to serve the ends of justice.

CHAPTER 1282

An act to add Section 12079 to the Penal Code, relating to weapons.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 12079 is added to the Penal Code, to read:

12079. Any person, other than a dealer licensed under the provisions of Section 12071, or a manufacturer or wholesaler of weapons, who orders by mail any pistol, revolver, or firearm capable of being concealed upon the person shall, at least five days before ordering such weapon, file with the chief of police, or other head of the police department of the city, county, or city and county wherein such person maintains his residence or principal place of business, a record in duplicate of such order. When such person resides or has his principal place of business where there is no municipal police department, then such record, in duplicate, shall be filed with the sheriff of the county where such person resides or maintains his principal place of business. Such record shall be substantially in the following form:

RECORD OF ORDER OF CONCEALABLE FIREARM

Name _____Date of birth_____
Permanent address _____
Height_____feet_____inches. Occupation _____
Color_____, skin_____, eyes_____, hair_____
Description of arm (state whether revolver or pistol)_____
Maker _____, caliber_____
Name and address of seller_____
Signature _____

The city, county, or city and county may charge a fee not exceeding one dollar ($1) for filing such record and shall send the duplicate of such record to the Bureau of Criminal Identification and Investigation at Sacramento.

Within 14 days after receipt of such ordered weapon, the person who ordered such weapon shall transmit to the Bureau of Criminal Identification and Investigation at Sacramento the serial number and a description of such weapon.

Any violation of this section is a misdemeanor.

CHAPTER 1283

An act to add Chapter 2.5 (commencing with Section 12301) to Title 2 of Part 4 of the Penal Code, relating to destructive devices.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Chapter 2.5 (commencing with Section 12301) is added to Title 2 of Part 4 of the Penal Code, to read:

CHAPTER 2.5. DESTRUCTIVE DEVICES

12301. The term "destructive device," as used in this chapter, shall include the following weapons:

(1) Any projectile containing any explosive or incendiary material or any other chemical substance;

(2) Any bomb, grenade, missile, or similar device or any launching device therefor;

(3) Any weapon of a caliber greater than .60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun or shotgun ammunition.

(4) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than .60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device, except such devices as are designed primarily for emergency or distress signaling purposes.

12302. Nothing in this chapter shall prohibit the sale to, purchase by, or possession of destructive devices by:

(a) Any sheriff, constable, marshal, policeman, member of the California Highway Patrol, or other duly appointed peace officer while on duty and acting within the scope and course of his employment.

(b) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of his employment.

12303. Any person, firm or corporation who, within this state, sells, offers for sale, possesses or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed one year, or in state prison for a term not to exceed three years, or by a fine not to exceed five thousand dollars ($5,000), or by both such fine and imprisonment.

12304. Any person, firm or corporation who, within this state, sells, offers for sale, possesses or knowingly transports any fixed ammunition of a caliber greater than .60 caliber, except as provided in this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed one thousand dollars ($1,000), or by both such fine and imprisonment.

A second or subsequent conviction shall be punished by imprisonment in the county jail for a term not to exceed one year, or by imprisonment in the state prison for a term not to exceed three years, or by a fine not to exceed three thousand dollars ($3,000), or by both such fine and imprisonment.

12305. Every dealer, manufacturer, importer, and exporter of any destructive device, or any motion picture or television studio using destructive devices in the conduct of its business, shall obtain a permit for the conduct of such business from the Chief of the Bureau of Criminal Identification and Investigation. Such permit shall be issued upon a satisfactory showing to him that good cause exists for the issuance thereof and after the payment of a fee of fifty dollars ($50). Such permit shall be valid for a period of one year only.

12306. Any person, firm or corporation, other than those included in Section 12305, shall obtain a permit from the Chief of the Bureau of Criminal Identification and Investigation before possessing or transporting any destructive device. The chief may issue such a permit upon a satisfactory showing that good cause exists for the issuance thereof, and after the payment of a fee of ten dollars ($10). The chief shall issue a permit without payment of a fee upon a satisfactory showing that the possessor of such destructive devices is a bona fide collector of destructive devices. Such permit shall be valid for a period of one year only.

12307. The possession of any destructive device in violation of this chapter shall be deemed to be a public nuisance and the Attorney General or district attorney of any city, county, or city and county may bring an action before the superior court to enjoin the possession of any such destructive device.

Any such destructive device found to be in violation of this chapter shall be surrendered to the Bureau of Criminal Identification and Investigation, and the bureau shall destroy such destructive device so as to render it unusable and unrepairable as a destructive device, except upon the filing of a certificate with the bureau by a judge or district attorney stating that the preservation of such destructive device is necessary to serve the ends of justice.

CHAPTER 1284

An act to amend Section 19252 of the Government Code, relating to civil service interviews.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 19252 of the Government Code is amended to read:

19252. Upon giving two days' notice to his immediate superior, any state employee otherwise qualified shall be permitted to take any state civil service examination during working hours, if the examination is scheduled during such period, or to attend a meeting of the board at which is scheduled for consideration a matter specifically affecting his position concerning which he has requested to be heard, without deduction of pay or other penalty. Employment interviews for eligibles on promotional eligible lists shall be considered part of the examination process under this part.

CHAPTER 1285

An act to add Sections 12365 and 12366 to the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 12365 is added to the Public Utilities Code, to read:

12365. In addition to such other investments as are authorized by this article, the retirement board may in its discretion under the advice of proper counsel invest the assets of the retirement fund in an amount, determined on the basis of cost, not to exceed 10 percent of the assets in the first two years after the effective date of this section, not to exceed 15 percent during the third year after the effective date of this section, and not to exceed 25 percent thereafter, in common stock or shares, and not to exceed 2 percent of the assets in the first year after the effective date of this section, not to exceed 3 percent during the second year after the effective date of this section, and not to exceed 5 percent thereafter, in preferred stock or shares, of corporations created or existing under the laws of the United States, or any state, district, or territory thereof; provided that

(a) Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934"

as amended. Such registration shall not be required with respect to the following stocks:

(1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars ($50,000,000);

(2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars ($50,000,000);

(3) Any preferred stock.

(b) Such corporation has total assets of at least one hundred million dollars ($100,000,000);

(c) Bonds of such a corporation, if any are outstanding, qualify for investment of the retirement fund, and that there are no arrears of dividend payments on its preferred stock;

(d) Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last three years;

(e) Such investment in any one company may not exceed 5 percent of the common shares outstanding; and

(f) No single common stock investment, based on cost, may exceed 2 percent of the assets of the fund.

SEC. 2. Section 12366 is added to the Public Utilities Code, to read:

12366. For purposes of Section 12365, the retirement board shall employ investment counsel or trust companies or trust departments of banks to render service in connection with the retirement board's investment program.

CHAPTER 1286

An act to amend Section 12500 of, and to add Section 12517 to the Business and Professions Code, relating to person weighers.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 12500 of the Business and Professions Code is amended to read:

12500. As used in this chapter:

(a) "Weighing instrument" means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining weight and includes any tool, appliance, or accessory used or connected therewith.

(b) "Measuring instrument" means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining measure and includes any tool, appliance, or accessory used or connected therewith.

(c) Weights or measures or weighing, measuring, or counting instruments for sale or use for commercial purposes shall include devices which are used at the time of, or for the purposes of, the trading in, exchanging, selling, or purchasing of commodities but shall not include such devices when for use or operation solely within a plant or business as a part of the manufacturing, processing or preparing for market of commodities.

SEC. 2. Section 12517 is added to the Business and Professions Code, to read:

12517. Every owner of a coin-operated person weigher shall place on such weigher, in a prominent position, in letters at least three-sixteenths inches in height and in bold type, the following statement: "This scale may not have been checked for accuracy."

CHAPTER 1287

An act to amend Section 10751 of, and to add Sections 24009 and 27160 to, the Vehicle Code, relating to motor vehicles.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 10751 of the Vehicle Code is amended to read:

10751. No person shall knowingly buy, receive, dispose of, sell, offer for sale, or have in his possession any vehicle or component thereof from which a manufacturer's serial or identification number, motor number, manufacturer's gross vehicle weight rating, or any identification mark or number placed thereon under assignment from the department has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity or manufacturer's gross vehicle weight rating of the vehicle or component. When any such property comes into the custody of a peace officer, he shall hold it, subject to the order of the magistrate authorized to direct disposal thereof as provided in Section 1419 of the Penal Code.

SEC. 2. Section 24009 is added to the Vehicle Code, to read:

24009. No person shall sell or offer for sale a new motor truck, truck tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and the manufacturer's gross vehicle weight rating of such vehicle.

SEC. 3. Section 27160 is added to the Vehicle Code, to read:

27160. (a) No person shall sell or offer for sale a new motor vehicle which produces a maximum noise exceeding the following noise limit at a distance of 50 feet from the centerline of travel under test procedures established by the department:

(1) Any motorcycle manufactured prior to 1970__ 92 dbA
(2) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more and any motorcycle, other than a motor-driven cycle, manufactured after 1969 _____ 88 dbA
(3) Any other motor vehicle _____ 86 dbA

(b) Test procedures for compliance with this section shall be established by the department, taking into consideration the test procedures of the Society of Automotive Engineers.

(c) This section shall become operative January 1, 1968.

CHAPTER 1288

An act to amend Section 4008 of the Business and Professions Code, relating to pharmacy.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 4008 of the Business and Professions Code is amended to read:

4008. The board may make such rules and regulations, not inconsistent with the laws of this state, as may be necessary for the protection of the public. Included therein shall be the right to make rules and regulations as follows: for the proper and more effective enforcement and administration of this chapter; pertaining to the practice of pharmacy; regulating the sale of poisons; relating to the sanitation of persons and establishments licensed under the provisions of this chapter; pertaining to establishments wherein any drug is compounded, prepared or sold; providing for standards of minimum equipment of establishments licensed under the provisions of this chapter; pertaining to the sale of drugs by or through any mechanical device.

Notwithstanding any provision of this chapter to the contrary, the board may adopt regulations permitting the dispensing of drugs in emergency situations, and permitting dispensing of emergency drugs pursuant to a prescription given by a person licensed to prescribe in a state other than California.

CHAPTER 1289

An act to amend Section 11005.6 of the Revenue and Taxation Code, relating to county population.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 11005.6 of the Revenue and Taxation Code is amended to read:

11005.6. Each year except the year of a federal decennial census, any county or city and county whose population has been increased substantially since the last federal census and which has held an enumeration within the five-year period preceding application under the supervision of either the federal Bureau of the Census or the Department of Finance may apply to the Department of Finance to estimate the increase in population. The department may make the estimate if in the opinion of the department there is available adequate information upon which to base the estimate. Upon completion of the estimate, the Department of Finance shall file a certified copy thereof with the department and the Controller.

All payments under Section 11005 of the Revenue and Taxation Code for any allocation subsequent to the filing of the estimate shall be based upon the population so estimated. The respective departments, in making the computations required by these sections, shall add to the total population of all counties and cities and counties all increases of population shown by the estimate.

If, in any year during which any county or city and county may apply to the Department of Finance to estimate the increase in population under this section, the total population of the cities within a county, as determined by actual census, exceeds the Department of Finance estimate of the population of the county, the total population of the cities shall be deemed the population of the county for purposes of this section, and upon receipt of satisfactory evidence of the population figures of said cities as determined by said census, the Department of Finance shall file a certified copy thereof with the department and the Controller.

The Department of Finance may assess a reasonable charge, not to exceed the actual cost thereof, for the preparation of population estimates pursuant to this section, which is a proper charge against the county or city and county applying therefor. The amount received shall be deposited in the State Treasury as a reimbursement to be credited to the appropriation from which the expenditure is made.

CHAPTER 1290

An act to amend Section 23557 of the Elections Code, relating to election days, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 23557 of the Elections Code is amended to read:

23557. No election other than an election, including special elections and bond elections, conducted by a district subject to the provisions of this part shall be consolidated with an election held pursuant to the provisions of this part; provided, however, that a city election, an election held throughout and wholly within a county, or an election held pursuant to a city charter held on the same day as a district election pursuant to this part may be consolidated with such district election. In the event that the election of a chartered city is so consolidated, any inconsistencies between the charter of such city and this part with respect to the conduct of the election shall be controlled by the charter of such city as to precincts within the boundaries of such city, unless the county clerk determines that this provision would prevent consolidation or nullify the purpose of this part, in which case such election shall not be consolidated.

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 such necessity are:

Elections will be held this year pursuant to the Uniform District Election Law. The Uniform District Election Law prohibits the consolidation of most other elections with such a district election, requiring cities and counties who hold other elections on the same day to go to considerable additional expense in holding separate elections on the same day.

CHAPTER 1291

An act to add Section 12740, 12741 and 12742 to the Water Code, relating to flood control.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 12740 is added to the Water Code, to read:

12740. The project for flood protection for the Lakeport Reservoir on Scott Creek in Lake County is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document 259, 89th Congress, and adopted and authorized by the Act of Congress approved October 27, 1965 (Public Law 89-298, 79 Stat. 1083, Title II, the Flood Control Act of 1965), at such estimated cost to the state as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department. This authorization shall not be deemed to confer preference on this project over the needs of other statewide programs in appropriations of available funds.

SEC. 2. Section 12741 is added to the Water Code, to read:

12741. The Lake County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by the Act of Congress approved October 27, 1965 (Public Law 89-298, 79 Stat. 1083, Title II, the Flood Control Act of 1965), will be furnished by the district in connection with the project for flood protection adopted and authorized in Section 12740.

SEC. 3. Section 12742 is added to the Water Code, to read:

12742. The Lake County Flood Control and Water Conservation District in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12740, and may make modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part.

CHAPTER 1292

An act to amend Sections 64691, 64693, 64695, and 64701 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to the California Beef Council.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 64691 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

64691. In order to carry out the programs and administer the activities which are conducted pursuant to this chapter, a fee of ten cents ($0.10) per head on cattle and calves shall be charged and collected from the seller or from the seller's account at the same time that brand inspection fees are collected as provided in Article 9 (commencing with Section 21281), Chapter 6, Division 10 of this code. Each operator of any stockyard, livestock auction market, slaughterhouse, packing plant, or sellers' agent, shall deduct from the proceeds of sale

or from other moneys owed to the seller, the amount of such fee and shall pay such fees to the director. Such fee shall be charged on all cattle and calves except the following:

(a) Hides, skins, or reduction animals.

(b) Any cattle that are transported for purposes other than for sale or slaughter and without a change of ownership.

(c) Any animal which is less than three months of age.

(d) Any animal sold for milk or calf production.

Such fees shall not be charged or collected more than once from each owner upon the same animal.

SEC. 2. Section 64693 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

64693. Any person who fails to pay or remit any fees due or collected within 15 days after called for by the director shall be liable civilly for an amount not to exceed a sum of one hundred dollars ($100) for each sale for which such fees are not remitted and for an amount not to exceed the cost of the total amount of fees and the cost of the civil suit for each and every case in which he does not so pay such fees. A civil suit, or any amount which is recovered in such suit, is not affected by any refund which is made after the fee becomes due pursuant to Section 64691.

SEC. 3. Section 64695 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

64695. Except as otherwise provided in Section 64673, any person that is subject to the fee which is required by Section 64691 may obtain a refund of the fee collected from him by submitting to the director a claim for such refund. Such claim shall be submitted in writing within 90 days after the date of the brand inspection or the date of payment of the fee to the director whichever date is later. The claim for refund shall contain such necessary information as the director may require. It is the intent of this section to provide a refund procedure in lieu of the exemption certificates previously authorized. All exemption certificates outstanding on the effective date of this act are void and of no effect.

SEC. 4. Section 64701 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

64701. Any inspector who is described in Section 20010 may accept voluntary contributions on behalf of the director. Such contributions may be supplementary to, or in lieu of, collections which are provided in Article 8 (commencing with Section 64691) of this chapter.

The inspector shall give a receipt for such contributions and shall transmit them to the director.

CHAPTER 1293

An act to amend Sections 31595 and 31596 of, and to add Sections 31595.3 and 31595.4 to, the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 31595 of the Government Code is amended to read:

31595. All funds received by the county treasurer not required for current disbursements shall be invested only in:

(a) Securities which are legal for savings bank investments in the state or which have been certified as legal investments for savings banks pursuant to Division 10 of the Water Code, or any bonds which, pursuant to the statutes or laws providing for the issuance of such bonds are entitled to the same force or value or use as bonds issued by any municipality, or any bonds issued pursuant to those acts, statutes or laws of this state wherein such law specifically states by reference or otherwise that such bonds shall be legal investments for either savings banks, insurance companies, all trust funds, state school funds and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the state, or any bonds which have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval and by authority of which said bonds are declared to be legal investments for insurers.

(b) Deposits at interest in any state or national bank in accordance with law authorizing and controlling the deposit of public funds in banks.

(c) Certificates and shares of a building and loan association or a federal savings and loan association if the certificates or shares are insured as defined in Title IV of the National Housing Act.

(d) Registered warrants of any political subdivision of this state.

(e) Real property or improvements constructed or to be constructed on real property when such real property or such improvements are acquired for sale or lease to a county of this state and subject to the limitations of this article.

(f) Deeds of Trust and Mortgages. Not to exceed 25 percent of all funds invested may be invested pursuant to this subdivision. Such investment may be made by the retirement board with the approval of the board of supervisors of said county.

SEC. 2. Section 31595.3 is added to the Government Code, to read:

31595.3. The board of retirement shall employ investment counsel or trust companies or trust departments of banks to render service in connection with the board's investment program and shall pay for such service as provided in subdivision (d) of Section 31596.

SEC. 3. Section 31595.4 is added to the Government Code, to read:

31595.4. Notwithstanding the provisions of Section 31595, in addition to such other investments as are authorized by this article, the board of retirement may in its discretion under the advice of proper counsel invest the assets of the retirement fund in an amount, determined on the basis of cost, not to exceed 10 percent of the assets in the first two years after the effective date of this section, not to exceed 15 percent during the third year after the effective date of this section, and not to exceed 25 percent thereafter, in common stock or shares, and not to exceed 2 percent of the assets in the first year after the effective date of this section, not to exceed 3 percent during the second year after the effective date of this section, and not to exceed 5 percent thereafter, in preferred stock or shares, of corporations created or existing under the laws of the United States, or any state, district, or territory thereof; provided that

(a) Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended. Such registration shall not be required with respect to the following stocks:

(1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars ($50,000,000);

(2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars ($50,000,000);

(3) Any preferred stock.

(b) Such corporation has total assets of at least one hundred million dollars ($100,000,000);

(c) Bonds of such a corporation, if any are outstanding, qualify for investment of the retirement fund, and that there are no arrears of dividend payments on its preferred stock;

(d) Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last three years;

(e) Such investment in any one company may not exceed 5 percent of the common shares outstanding; and

(f) No single common stock investment, based on cost, may exceed 2 percent of the assets of the fund.

SEC. 4. Section 31596 of the Government Code is amended to read:

31596. (a) When securities belonging to or held for the retirement association are sold, the county treasurer shall deliver the securities to the purchaser upon receiving the proceeds, and may execute any and all documents necessary to transfer title. The duties imposed upon the county treasurer by this article are a part of his official duties, for the faithful performance of which he is liable on his official bond.

(b) The treasurer may with the approval of the retirement board and the board of supervisors authorize a trust company or a trust department of any state or national bank authorized to conduct the business of a trust company in this state or the Federal Reserve Bank of San Francisco or any branch thereof within this state, to act as custodian of any securities owned by the retirement association. Any such bank or trust company may be authorized to collect the income from such securities for the treasurer and deposit said proceeds in the county treasury. The compensation of such bank or trust company for such custodial services shall be fixed by agreement and shall be paid in the same manner and from the same funds as are other costs of administration of the retirement system.

(c) When an investment is made in deeds of trust and mortgages as provided in Section 31595(f) and an agreement is entered into with a bank or mortgage service company to service such deeds of trust and mortgages for a fee stipulated in said agreement such fee shall not be considered a cost of administration but shall be considered a reduction of earnings from such deeds of trust and mortgages.

(d) When an agreement is entered into by the board of retirement with investment counsel for consulting or management services in connection with the administration of the board's investment program, any fees stipulated in such agreement to be paid to investment counsel shall not be considered a cost of administration but shall be considered as a reduction in earnings from such investments or a charge against the assets of the retirement association as determined by the board. The treasurer is authorized to make payment for such service in the manner prescribed in Section 31590.

CHAPTER 1294

An act to add Section 1804.2 to, and to repeal Section 1804.2 of, the Civil Code, relating to retail installment contracts.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 1804.2 of the Civil Code is repealed.

SEC. 2. Section 1804.2 is added to the Civil Code, to read:

1804.2. Except as provided in Section 1812.7, an assignee of the seller's rights is subject to all claims and defenses of the buyer against the seller arising out of the sale notwithstanding an agreement to the contrary, but the assignee's liability may not exceed the amount of the debt owing to the assignee at the time that the defense is asserted against the assignee.

The rights of the buyer under this section can only be asserted as a matter of defense to a claim by the assignee.

CHAPTER 1295

An act to amend Sections 17753, 17764, 17765, 17765.8, 17766.1, 17766.3, 17769 and 17773 of, to add Sections 17755.5, 17758.5, 17758.7, 17763.1, 17764.4, and 17781 to, and to repeal Sections 17766.2 and 17767 of, the Business and Professions Code, relating to trading stamp companies.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 17753 of the Business and Professions Code is amended to read:

17753. The Legislature finds and declares that the devices described in Sections 17751, 17752, and 17758.7 are classes of articles that are not employed in connection with practices which must be regulated as provided in this chapter to protect the people of California against improper activities of irresponsible trading stamp companies.

SEC. 2. Section 17755.5 is added to the Business and Professions Code, to read:

17755.5. "Organization" means any partnership, corporation, or association.

SEC. 3. Section 17758.5 is added to the Business and Professions Code, to read:

17758.5. "Licensee" means any person licensed by the commissioner to engage in business as a trading stamp company.

SEC. 4. Section 17758.7 is added to the Business and Professions Code, to read:

17758.7. The provisions of this chapter do not apply to nonprofit merchant organizations which guarantee redemption of trading stamps which are exclusively issued and redeemed by such organization or its members and where all of such members have jointly and severally assumed liability for all stamps so issued and where the redemption is from stock in trade of, or in cash from, any and all members of such organization. Any such organization shall not qualify for exemption

from the application of this chapter until it has filed with the commissioner a copy of its articles of incorporation, partnership agreement, or other charter documents together with a statement that its trading stamps are issued and redeemed exclusively by such organization or the members thereof. A copy of the agreement between such organization and its members setting forth the joint and several liability of the organization and its members for redemption of trading stamps issued by the organization shall also be filed with the commissioner in order to qualify for such exemption, and a copy of any agreement between the organization and any new member shall be filed with the commissioner by the organization in order to maintain its exemptive status.

SEC. 5. Section 17763.1 is added to the Business and Professions Code, to read:

17763.1. A license to engage in business as a trading stamp company shall only be issued to a corporation duly organized for that purpose. This section shall not apply to any individual or organization which has and maintains, in effect, a license issued by the commissioner prior to the effective date of this section.

SEC. 6. Section 17764 of the Business and Professions Code is amended to read:

17764. An application for a license to engage in business as a trading stamp company shall be in writing and on a form supplied by the commissioner. The application shall be verified as provided in the Code of Civil Procedure for the verification of pleadings, shall be filed in the office of the commissioner and shall contain or provide all of the following:

(a) The name and principal address of the company.

(b) The state of its incorporation or origin.

(c) The names and addresses of principal officers, directors, partners, or proprietors.

(d) The address of its principal office in this state.

(e) The name and address of its principal officer, employee, or agent in this state.

(f) The addresses of its stamp redemption places in this state.

(g) Financial statements which shall contain or provide all of the following:

(1) A balance sheet as of the most recently completed fiscal year.

(2) A statement of its gross income from its business in this state as a trading stamp company during such last fiscal year, unless the principal sum of the bond hereinafter required to be filed by the company is the maximum amount.

(3) A profit and loss statement as of the end of the most recently completed fiscal year.

These financial statements shall be prepared in accordance with generally accepted accounting principles and shall be certified by an independent public accountant approved by the commissioner, or an independent certified public accountant,

which certification shall contain a statement that the applicant maintains as a liability on its accounts an adequate reserve for stamp redemption, determined on the basis of a reasonable percentage of stamps sold less the accumulative amount of redemptions.

(h) Representative samples of its stamps, stamp collection books, stamp redemption catalogs, and stamp distribution and redemption agreement forms, currently used or to be used in this state.

SEC. 7. Section 17764.4 is added to the Business and Professions Code, to read:

17764.4. Every trading stamp company licensed under this chapter shall file with the commissioner not more than 90 days after the close of the first six months of its fiscal year a semiannual operating statement for the six months then ending. Such statement shall be prepared in accordance with generally accepted accounting principles, consistent with the certified statements required under Section 17764, but need not be certified by an independent accountant.

SEC. 8. Section 17765 of the Business and Professions Code is amended to read:

17765. The application for license shall be accompanied by a bond payable to this state and duly executed by the trading stamp company and a corporate surety qualified to do business in this state, which is conditioned upon the performance by the company of its obligations to redeem trading stamps issued under this chapter in this state when they are duly presented for redemption by the rightful holders. The bond required by this section or the securities posted in lieu of such bond as provided in Section 17765.1 shall be for the benefit of rightful holders of trading stamps who are residents of California.

SEC. 9. Section 17765.8 of the Business and Professions Code is amended to read:

17765.8. (a) The commissioner shall issue a license to any applicant unless upon investigation and after appropriate hearing, he finds any of the following:

(1) That the proposed officers, directors, partners, or proprietors lack the character, experience, or general fitness to engage in the trading stamp business.

(2) That the applicant has not complied with all the applicable provisions of this chapter.

(b) All licenses shall expire annually on June 30th. Applications by existing licensees for licensing during the succeeding year shall be filed prior to such date.

(c) Licenses shall be nontransferable.

(d) For the purposes of subdivision (a), the license of an applicant applying for its renewal shall be deemed to continue in full force and effect pending the commissioner's findings.

SEC. 10. Section 17766.1 of the Business and Professions Code is amended to read:

17766.1. If the trading stamp company fails or refuses to redeem the trading stamps, after request by the commissioner

pursuant to Section 17766, the commissioner may bring an action in the name of the people of the State of California, in the Superior Court of the State of California, for the appointment of a receiver to take possession of the business and assets of the company, subject to the directions of the commissioner, or for the order of the court authorizing the commissioner to take possession of such business and assets. If the commissioner, on the basis of financial statements filed pursuant to Sections 17764 and 17764.4, or for any other reason, has reason to believe that a trading stamp company is insolvent within the meaning of Section 1201 of the Commercial Code, or is in imminent danger of insolvency, he may petition the superior court for an order appointing a receiver to take possession of the business and assets of the company, or for an order of the court authorizing the commissioner to take possession of such business and assets. The court shall have authority to appoint the commissioner or a receiver upon such petition upon a showing that such trading stamp company is insolvent or is in imminent danger of insolvency.

The suspension, revocation, expiration, or surrender of the license shall not affect the right of the commissioner to bring an action, or grant the relief authorized, pursuant to this section

When the commissioner or a receiver takes possession of the property and business of any company pursuant to this section for the purpose of liquidation or conservation, he may liquidate or conserve the company pursuant to the provisions of Article 6.5 (commencing with Section 10239) of Chapter 3, Part 1, Division 4. In such a liquidation or conservation, the commissioner or the receiver shall have the same authority with reference to trading stamp companies as is vested in the Real Estate Commissioner with reference to Article 6.5 (commencing with Section 10239) of Chapter 3, Part 1, Division 4, may deposit moneys coming into his hands in the course of liquidation in one or more state or national banks, and shall have the authority to make an equitable distribution of bond proceeds as provided in this chapter to the rightful holders of trading stamps.

SEC. 11. Section 17766.2 of the Business and Professions Code is repealed.

SEC. 12. Section 17766.3 of the Business and Professions Code is amended to read:

17766.3. The costs incurred by the commissioner or a receiver in performing the duties set forth in Sections 17766 and 17766.1 shall constitute a proper charge against the trading stamp company, or, in the event of the trading stamp company's failure to pay, against the bond filed by that company or if no bond is filed against the money or securities filed with the State Treasurer. The costs shall constitute a prior claim against such company, the bond, or the money or securities filed with the State Treasurer, except that in no event shall the

surety be liable for such charge and all other valid claims as an aggregate in excess of the principal sum of the bond.

SEC. 13. Section 17767 of the Business and Professions Code is repealed.

SEC. 14. Section 17769 of the Business and Professions Code is amended to read:

17769. The commissioner may, after a hearing, suspend or revoke any license, if he finds that the licensee, or any of its partners, officers, or directors:

(a) Has willfully, after a request from the commissioner, failed to file financial statements as required by this chapter.

(b) Has been convicted of a felony.

(c) Knowingly made any false statement in his application for a license.

SEC. 15. Section 17773 of the Business and Professions Code is amended to read:

17773. The principal sum of the bond required by this chapter shall be fifteen thousand dollars ($15,000) for each one hundred thousand dollars ($100,000), or fraction thereof, of the company's gross income from the trading stamp business in this state in the company's last fiscal year, except that:

(a) If the company has not previously done business as a trading stamp company in this state, or if the gross income from said business was less than sixty-five thousand dollars ($65,000) during its last fiscal year, the principal sum shall be ten thousand dollars ($10,000) except the principal sum shall be twenty-five thousand dollars ($25,000) for companies receiving an original license as a trading stamp company on or after the effective date of the amendments to this section enacted by the Legislature at the 1967 Regular Session.

(b) The maximum bond required to be filed under any circumstances shall be one hundred fifty thousand dollars ($150,000).

SEC. 16. Section 17781 is added to the Business and Professions Code, to read:

17781. Nothing in this chapter, nor in this code, is intended to require or requires that the cash or merchandise value of trading stamps be stated or set forth on any sign, statement, or other advertising media which either advertises or offers such stamps, or advertises or indicates the price of gasoline or motor fuel, whether on any dispensing apparatus or elsewhere, and which is displayed at or about any place of business offering for sale or selling gasoline or other motor vehicle fuel.

CHAPTER 1296

An act to amend Sections 23039, 23396, 23787 and 23793 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 23039 of the Business and Professions Code is amended to read:

23039. (a) "Public premises" means:

(1) Premises licensed with any type of license other than an on-sale beer license, and maintained and operated for the selling or serving of alcoholic beverages to the public for consumption on the premises, and in which food shall not be sold or served to the public as in a bona fide public eating place, but upon which premises food products may be sold or served incidentally to the sale or service of alcoholic beverages, in accordance with rules prescribed by the department.

(2) Premises licensed with an on-sale beer license, in which food shall not be sold or served to the public as in a bona fide public eating place, and in which sandwiches, salads, desserts, and similar short orders shall not be sold and served, in accordance with rules prescribed by the department.

(b) "Public premises" does not include railroad dining or club cars, passenger ships, airplanes, or bona fide clubs after such clubs have been lawfully operated for not less than one year; nor does it include stadia, auditoria, fairgrounds, racetracks, or premises being operated under a temporary on-sale beer license other than permitted pursuant to Section 24045.5.

SEC. 2. Section 23396 of said code is amended to read:

23396. Any on-sale license authorizes the sale of the alcoholic beverage specified in the license for consumption on the premises where sold. No alcoholic beverages may be sold or served in any bona fide eating place for which an on-sale license has been issued unless the premises comply with the requirements prescribed in Section 23038.

SEC. 3. Section 23787 of said code is amended to read:

23787. The department shall, before issuing any on-sale license for the sale of alcoholic beverages to be consumed or otherwise disposed of in any bona fide public eating place, determine whether the public eating place is equipped and maintained in good faith for sales to and consumption by the public of meals upon the premises. A hotel or motel of 75 rooms or more which is licensed and so equipped and maintained may sublet the sale and service of the meals required by Section 23038. Provided, however, that the licensee shall be responsible for any violations of this division caused or permitted by the lessee on the licensed premises.

Nothing in this section shall preclude the renewal, transfer, or issuance of an on-sale general license to any premises equipped and maintained in good faith for sales to and consumption by members of the public of meals upon the premises even though the operation of such premises is limited solely to the service of meals and beverages at prearranged events of a social or business nature and where admission is by ticket only.

SEC. 4. Section 23787 of the Business and Professions Code is amended to read:

23787. The department shall, before issuing any on-sale license for the sale of alcoholic beverages to be consumed or otherwise disposed of in any bona fide public eating place, determine whether the public eating place is equipped and maintained in good faith for sales to and consumption by the public of meals upon the premises. A hotel or motel of 75 rooms or more or a bowling center of 32 lanes or more, which hotel, motel or bowling center is licensed and so equipped and maintained, may sublet the sale and service of the meals required by Section 23038. Provided, however, that the licensee shall be responsible for any violations of this division caused or permitted by the lessee on the licensed premises.

Nothing in this section shall preclude the renewal, transfer, or issuance of an on-sale general license to any premises equipped and maintained in good faith for sales to and consumption by members of the public of meals upon the premises even though the operation of such premises is limited solely to the service of meals and beverages at prearranged events of a social or business nature and where admission is by ticket only.

SEC. 5. Section 23793 of the Business and Professions Code is amended to read:

23793. No new original public premises licenses shall be issued except for beer, and no public premises licenses shall be transferred from county to county, unless the applicant can show that substantial public demand cannot otherwise be satisfied.

SEC. 6. Section 4 of this act shall become operative only if Assembly Bill No. 1274 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 1274 takes effect; at which time Section 23787 of the Business and Professions Code as amended by Section 3 of this act is repealed.

CHAPTER 1297

An act to add Section 223 to the Revenue and Taxation Code, relating to property tax exemptions.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 223 is added to the Revenue and Taxation Code, to read:

223. Fruit trees, nut trees, and grape vines of a grower, which are personal property, held in storage on the lien date for subsequent planting in orchard or vineyard form and are planted during the assessment year by the grower shall be exempt from taxation. This section does not apply to plant nurseries.

CHAPTER 1298

An act to amend Section 4007 of the Business and Professions Code, relating to pharmacy.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 4007 of the Business and Professions Code is amended to read:

4007. Five members of the board constitute a quorum. The board shall hold a meeting at least once in every four months. On a date concurred in by the board and the director, but in no event later than January 1, 1971, the board shall move its principal office from San Francisco to Sacramento. Thereafter the principal office of the board shall be located in Sacramento.

CHAPTER 1299

An act to amend Section 13009 of, and to add Section 13009.1 to, the Education Code, relating to employee salary deductions.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 13009 of the Education Code is amended to read:

13009. The governing board of each school district when drawing an order for the salary payment due to employees of

the district, shall without charge reduce the order by the amount which it has been requested in a revocable written authorization by the employee to deduct for any or all of the following purposes: paying premiums on any policy or certificate of group life insurance for the benefit of the employee or for group disability insurance, or both, for the benefit of the employee or his dependents issued by an admitted insurer on a form of policy or certificate approved by the Insurance Commissioner, or paying rates, dues, fees, or other periodic charges on any hospital service contract for the benefit of the employee, or his dependents, issued by a nonprofit hospital service corporation on a form approved by the Insurance Commissioner pursuant to the provisions of Chapter 11A of Part 2 of Division 2 of the Insurance Code, or paying periodic charges on any medical and hospital service agreement or contract for the benefit of the employee, or his dependents, issued by a nonprofit membership corporation lawfully operating under Section 9200 or Section 9201 of the Corporations Code. The governing board of the district shall each month draw its order upon the funds of the district in favor of the insurer which has issued the policies or certificates or in favor of the nonprofit hospital service corporation which has issued hospital service contracts, or in favor of the nonprofit membership corporation which has issued medical and hospital service agreements or contracts, for an amount equal to the total of the respective deductions therefor made during the month.

"Group insurance" as used in this section shall mean only a bona fide group program of life or disability or life and disability insurance where a master contract is held by the school district or an employee organization but it shall, nevertheless, include annuity programs authorized by Section 403(b) of the Internal Revenue Code when approved by the governing board.

SEC. 2. Section 13009.1 is added to the Education Code, to read:

13009.1. School districts may, but shall not be required to, provide payroll deduction for the collection of insurance premiums except as expressly authorized by Section 13009.

SEC. 3. The amendments to Section 13009 of, and the addition of Section 13009.1 to, the Education Code made by this act are to be construed as and are declaratory of existing law. The amendments are enacted to expressly overcome Attorney General Opinions 58-205, May 18, 1959, and 64-223, October 27, 1964, which interpreted legislative intent to require payroll deduction of premiums for individual insurance rather than true group insurance plans and thereby place a burden on school districts not contemplated by the Legislature.

CHAPTER 1300

An act to amend Section 35002 and to add Article 4.5 (commencing with Section 35270), to Chapter 1 of Part 2 of Division 2 of Title 4 of the Government Code, relating to the transfer of territory from one city to a contiguous city.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 35002 of the Government Code is amended to read:

35002. No petition seeking the annexation or transfer of territory to a city shall be circulated or filed, nor shall any public officer accept any such petition for filing, nor shall any legislative body initiate proceedings to annex or transfer on its own motion, until approval of the local agency formation commission is first obtained pursuant to Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5.

SEC. 2. Article 4.5 (commencing with Section 35270), is added to Chapter 1 of Part 2 of Division 2 of Title 4 of the Government Code, to read:

Article 4.5. Transfer of Territory From One City to a Contiguous City

35270. This article provides an alternative procedure for the transfer of territory from one city to a contiguous city in the same county.

35271. Proceedings to transfer territory from one city to a contiguous city are initiated by filing with the board of supervisors of the county in which the cities are situated either

a. A petition signed by not less than 25 percent of the registered electors residing in the territory to be transferred if the territory is inhabited, or

b. A petition signed by owners of not less than one-fourth of the land in the territory by area, and by assessed value as shown on the last equalized assessment roll of the county in which the territory is situated if the territory is uninhabited; or

c. A resolution of the legislative body of the city in which the territory is situated.

There shall be filed with the petition a resolution of consent to the transfer adopted by the legislative body of the city in which the territory is situated.

In every case there shall be filed with the petition or resolution a resolution of consent to the transfer adopted by the legislative body of the city to which it is proposed to transfer the territory. The petition or resolution shall contain a description

of the territory proposed to be transferred, the name of the city in which the territory is presently included and the name of the city to which it is proposed that the territory will be annexed.

35272. The clerk of the board of supervisors shall, without delay, cause notice of the proposed transfer to be published in each of the affected cities pursuant to Section 6061. The notice shall contain a general description of the territory to be transferred, the city in which the territory is presently situated and the city to which it is proposed to be annexed, and announce the time and place written protests will be heard which shall be not less than 40 nor more than 60 days after the date of the first publication. The clerk shall mail a copy of such notice to the legislative body of the city from which territory is proposed to be transferred and to the legislative body of the city to which the territory is proposed to be annexed at least 30 days prior to the date set for hearing.

35273. After hearing all persons interested in the proposal, the board of supervisors shall grant or deny the request by resolution or, if the territory is inhabited, it may require an election to be held on the question. If the board grants the request, it shall determine whether all or only a part of the territory shall be transferred. If the board desires to change the boundaries of the territory to be transferred it shall first secure the approval of the local agency formation commission pursuant to Section 54799.1 and the cities affected by the proposed transfer. If the board requires an election to be held, it shall be held only in the territory proposed to be transferred, except that it shall be held in the entire city from which the territory will be transferred if more than 25 percent of the assessed valuation of such city is located in such territory.

35274. At any time prior to final adjournment of the hearing, any owner of property within the territory may file written protest against the transfer. The protest shall state the name of the owner of the property affected and the street address or other description of the property sufficient to identify it on the last equalized assessment roll. A metes and bounds description shall not be required if the property can be otherwise described in a manner sufficient to identify it on the last equalized assessment roll. As used in this article, "owner" means the owner as shown on the last equalized assessment roll, except that the person entitled to be shown as owner on the current assessment roll shall be deemed the owner, and except that, where the property affected is subject to a recorded written agreement to buy, the purchaser under such agreement to buy shall be deemed the owner. Protests may be made on behalf of the owner by an agent authorized in writing by the owner to act as agent with respect to such land, except that protest may be made on behalf of a private corporation which is an owner of property by any officer or employee of the corporation without written authorization by the corporation to act as agent or make such protest.

35275. At the time set for the hearing, the board of supervisors shall hear and pass upon all protests so made:

(a) If privately owned property and no publicly owned property is proposed to be transferred, further proceedings shall not be taken if protest is made by private owners of one-half of the value of the territory proposed to be transferred. The value given such property for protest purposes shall be that shown on the last equalized assessment roll if the property is not exempt from taxation. If the property is exempt from taxation, its value for protest purposes shall be determined by the county assessor in the same amount as he would assess such property if it were not exempt from taxation.

(b) If privately owned property and publicly owned property are proposed to be transferred in the same proceeding, further proceedings shall not be taken if protest is made by public and private owners of one-half of the value of the territory. The value given privately owned property shall be determined pursuant to subdivision (a) of this section. The value given publicly owned property for protest purposes shall be determined by the county assessor in the same manner as is provided in subdivision (a) of this section for privately owned property, exempt from taxation.

(c) As used in this article, "value of the territory" means the value of land and improvements thereon.

(d) The value for protest purposes to be given property held in joint tenancy or tenancy in common shall be determined by the legislative body in proportion to the proportionate interest of the protestant in such property.

(e) When property is subject to a written recorded agreement to buy, the purchaser under the agreement may protest and the seller may not even though he is shown as the owner on the last equalized assessment roll.

Determinations of the value of publicly owned property, or privately owned property exempt from taxation by the county assessor for protest purpose shall be obtained from the assessor by the protestant and submitted to the board of supervisors with the written protest.

35276. The board of supervisors shall find and declare by resolution adopted at the hearing or within 30 days after the closing of the hearing whether or not a majority protest has been made If it does not adopt such a resolution within such period, it shall be deemed to have adopted on the 30th day a resolution that a majority protest has been made.

If a resolution finding and declaring that a majority protest is made is adopted or deemed adopted, no further proceedings for the transfer of any of the same territory to the city shall be taken for one year after the date of the adoption of the resolution except upon the petition or consent of all property owners of the territory proposed to be transferred.

35277. If an election is required, the legislative body of the city from which the territory is proposed to be transferred

shall submit the question as specified in the resolution of the board of supervisors to the electors at a special election to be held for that purpose. The election shall be held pursuant to the Elections Code provisions relating to municipal elections and Sections 35252 through 35257 of the Government Code shall be followed.

35278. If the board of supervisors grants the request to transfer the territory without election, the clerk of the board shall enter upon the minutes, certify and transmit to the Secretary of State and to the legislative bodies of the cities affected copies of the resolution approving the transfer. The clerk shall also file the affidavit of completion and statement of boundary change required by Sections 34080 and 54900.

35279. The board of supervisors may fix the date the transferred territory is a part of the city in its resolution approving, either with or without election, the transfer. The date shall not be later than one year after the date of filing by the Secretary of State or the due date of property taxes levied by the city in the territory, whichever occurs first, except that for the purpose of compliance with Sections 34080 and 54900 of this code, and any action required for the assessment and levy of property tax, the territory shall be deemed a part of the city from the date of filing by the Secretary of State. If no date is fixed by the board of supervisors, the territory is a part of the city for all purposes from the date of filing by the Secretary of State.

35280. This article does not relieve any part of the territory from liability for the debts contracted by the city prior to the transfer to the contiguous city. The city from which the territory is transferred shall levy and collect from the transferred territory its proportion of liability for any payment on the principal and interest of such debts.

CHAPTER 1301

An act to amend Section 670 of the Revenue and Taxation Code, relating to appraisers.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 670 of the Revenue and Taxation Code is amended to read:

670. (a) No person shall perform the duties or exercise the authority of an appraiser for property tax purposes as an employee of the state, any county or city and county, unless he is the holder of a valid appraiser's certificate issued by the State Board of Equalization.

(b) The board shall provide for the examination of applicants for such certificates and may contract with the State Personnel Board to give such examinations. Examinations shall be prepared by the board with the advice and assistance of a committee of five assessors selected by the assessors for this purpose. No certificate shall be issued to any person who has not attained a passing grade in such examination and demonstrated to the board that he is competent to perform the work of an appraiser as such competency is defined in regulations duly adopted by the board; provided, however, that any applicant for a certificate who is denied the same shall have a right to review of such denial in accordance with the State Administrative Procedure Act contained in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) Passage of a civil service or merit system examination for appraiser given by the state or any county or city and county shall suffice to meet the requirements of this section. The scope of such examination shall be approved by the Board of Equalization.

(d) Any person performing the duties of appraiser in county, city, or city and county government at the time this section becomes effective shall be certified by examination on or before October 1, 1971, by the Board of Equalization. The board shall issue an appraiser's certificate without further examination to state, county, or city and county employees who have passed a civil service or merit system examination for appraiser prior to July 1, 1967.

(e) Except as permitted by subdivision (f), no employee of the state, any county, or city and county, shall perform the duties or exercise the authority of an auditor or an auditor-appraiser under Section 469 or Section 1815.1 of this code, or under Section 15624 of the Government Code, unless he holds a degree in accounting from a recognized institution of higher education, or is a licensed accountant in the State of California, or has passed the state, or a county, or city and county civil service or merit system examination regularly given for the position of accountant or auditor by the testing body.

(f) Any person performing the duties of an auditor or auditor-appraiser for property tax purposes as an employee of the state, any county, or city and county at the time this section becomes effective shall fulfill the requirements of subdivision (e) of this section on or before October 1, 1972.

(g) This section does not apply to elected officials.

SEC. 2. Section 670 of the Revenue and Taxation Code is amended to read:

670. (a) No person shall perform the duties or exercise the authority of an appraiser for property tax purposes as an employee of the state, any county or city and county, unless he is the holder of a valid appraiser's certificate issued by the State Board of Equalization.

(b) The board shall provide for the examination of applicants for such certificates and may contract with the State Personnel Board to give such examinations. Examinations shall be prepared by the board with the advice and assistance of a committee of five assessors selected by the assessors for this purpose. No certificate shall be issued to any person who has not attained a passing grade in such examination and demonstrated to the board that he is competent to perform the work of an appraiser as such competency is defined in regulations duly adopted by the board; provided, however, that any applicant for a certificate who is denied the same shall have a right to review of such denial in accordance with the State Administrative Procedure Act contained in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) Passage of a civil service or merit system examination for appraiser given by the state or any county or city and county shall suffice to meet the requirements of this section. The scope of such examination shall be approved by the Board of Equalization.

(d) Any person performing the duties of appraiser in county or city and county government at the time this section becomes effective shall be certified by examination on or before October 1, 1971, by the Board of Equalization. The board shall issue an appraiser's certificate without further examination to state, county, or city and county employees who have passed a civil service or merit system examination for appraiser prior to July 1, 1967.

(e) Except as permitted by subdivision (f), no employee of the state, any county, or city and county, shall perform the duties or exercise the authority of an auditor or an auditor-appraiser under Section 469 or Section 1815.1 of this code, or under Section 15624 of the Government Code, unless he holds a degree with a specialization in accounting from a recognized institution of higher education, or is a licensed accountant in the State of California, or has passed the state, or a county, or city and county civil service or merit system examination regularly given for the position of accountant or auditor by the testing body.

(f) Any person performing the duties of an auditor or auditor-appraiser for property tax purposes as an employee of the state, any county, or city and county at the time this section becomes effective shall fulfill the requirements of subdivision (e) of this section on or before October 1, 1972.

(g) This section does not apply to elected officials.

(h) No charge shall be made to counties or to applicants for examinations and certifications under this section or for training conducted by the board under Section 671.

SEC. 3. Section 2 of this act shall become operative only if the amendment to Section 670 of the Revenue and Taxation Code as proposed by Senate Bill No. 765 is enacted by the

Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 765 takes effect; at which time Section 670 of the Revenue and Taxation Code as amended by Section 1 of this act is repealed.

CHAPTER 1302

An act to amend Section 16574 of the Public Utilities Code, relating to Public Utility Districts and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 16574 of the Public Utilities Code is amended to read:

16574. The board of directors or other officers of the district shall not incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this division. Any debt or liability incurred in excess of such express provisions is absolutely void, excepting that such debt limitations may be exceeded where the district finances waterworks or sewage disposal facilities by means of a revenue bond issue, or by means of a general obligation bond issue and makes provision to pledge, as additional security for such general obligation, all or any part of revenues received from the facilities over a period not to exceed 40 years, in which event the limitation of indebtedness set forth in Section 16573 of this code shall not be applicable to such bonds so secured or so additionally secured by such revenue.

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 such necessity are:

In many areas of the state there is an urgent need for additional water and sewage disposal facilities which can only be funded through the issuance of bonds. Many of these urgently needed projects cannot be financed by public utility districts in this manner under the existing law because of the security requirements of the law. This act is intended to clarify the meaning and intent of the present law.

CHAPTER 1303

An act to add Section 11007.1 to the Government Code, relating to state insuring property.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 11007.1 is added to the Government Code, to read:

11007.1. The Department of Public Works when it has acquired title to any real property for highway purposes and leases such property for commercial or business uses to the former owner for a term exceeding six months, may secure insurance against the risk of damage or destruction by fire where the former owner requests this coverage and the premium therefor is included in the rental agreed to be paid.

CHAPTER 1304

An act to add Chapter 9.2 (commencing with Section 73100) to Title 8 of the Government Code, relating to municipal and justice courts.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Chapter 9.2 (commencing with Section 73100) is added to Title 8 of the Government Code, to read:

CHAPTER 9.2. MUNICIPAL COURTS IN SAN BERNARDINO COUNTY

73100. There is in the County of San Bernardino, on and after the effective date of this section, a single municipal court district known as the San Bernardino County Municipal Court District.

73101. The San Bernardino County Municipal Court District shall consist of divisions embracing that territory which is within the following judicial districts in the County of San Bernardino on the effective date of this article as enacted at the 1967 Regular Session of the Legislature:

(a) East Division—that territory within the Redlands Judicial District

(b) Central Division—that territory within the San Bernardino Judicial District.

(c) Valley Division—that territory within the Fontana and Rialto Judicial Districts.

(d) West Valley Division—that territory within the West Valley Municipal Court District.

(e) Desert Division—that territory within the Victor Judicial District.

73102. The Board of Supervisors of the County of San Bernardino may, by ordinance, create new divisions of the San Bernardino County Municipal Court District and may modify or enlarge the divisions created by this article. This provision shall not be construed to limit, or be limited by, existing provisions of law conferring authority upon the board of supervisors to revise judicial district boundaries or to consolidate judicial districts, provided that except for such changes in judicial district boundaries as may be mandated by statute, no further annexation will be made to the San Bernardino County Municipal Court District except after public hearing before the board of supervisors.

73103. For purposes of qualification and election of judges, the "division" referred to in this article is and shall continue to be the "district" referred to in subdivision (b) of Section 16 of Article VI of the Constitution of the State of California.

73104. Within each division of the San Bernardino County Municipal Court District, even in divisions having only one judge, there shall be a presiding judge of the division.

73105. Upon formation of the San Bernardino County Municipal Court District, the presiding judges of the divisions thereof shall meet, upon the call of the presiding judge of the central division, as a council of presiding judges. The council of presiding judges shall, by majority vote, elect one of their number to serve as presiding judge of the district and shall formulate rules and regulations not inconsistent with law

or rules and regulations adopted and prescribed by the Judicial Council for transfer of cases, assignment of judges, scheduling of vacations of judges, and other administrative matters such as will promote uniformity of procedures and efficiency and economy in the business of the district. Such rules and regulations shall be administered by the municipal court coordinator under the supervision and control of the presiding judge of the district.

73106. The council of presiding judges shall meet quarterly, and more often if necessary, upon the call in writing of the presiding judge of the district or of any two presiding judges. At the first meeting of each calendar year, the council of presiding judges shall elect the presiding judge of the district for the next ensuing year, shall review the business of the district, and shall make such recommendations to the board of supervisors and to the Judicial Council as it deems desirable or necessary to promote the administration of justice in the courts of the district.

73107. There shall be one municipal court coordinator of the San Bernardino County Municipal Court District who shall be appointed by a majority vote of the council of presiding judges from among the top three applicants certified to said council by the Civil Service Commission of the County of San Bernardino on the basis of a competitive examination. He may appoint, from applicants certified by the civil service commission, one senior stenographer clerk and one intermediate clerk.

73108. Compensation for the officers and attachés provided for by Section 73107 is as follows:

Classification	Range	A	1	B	2	C	3	D	4	E
Municipal court coordinator	61	$909	$931	$954	$978	$1,002	$1,027	$1,052	$1,078	$1,105
Principal clerk	35	483	495	507	519	532	545	559	573	587
Senior stenographer clerk	34	471	483	495	507	519	532	545	559	573
Senior clerk	32	449	460	471	483	495	507	519	532	545
Intermediate clerk	26	387	397	407	417	427	438	449	460	471
Clerk	22	351	360	369	378	387	397	407	417	427

The hiring salary for each position set forth shall be the salary in column A. A service period of six months shall be required for salary increase from column A to column B and one additional year service for a salary increase from column B to column C. A service period of 18 months shall be required for

a salary increase from column C to column D and two additional years of service for a salary increase from column D to column E, or

Administration of the salary plan provided by this section, including the hiring date; increases within range; salary on promotion, transfer, or demotion; salary on position reclassification, and all other relevant matters, shall be in accordance with the current personnel rules and ordinances of the County of San Bernardino.

Notwithstanding any other provisions of law, the salary and classifications of municipal court employees provided by this section may be increased or decreased within the range limits set forth in this section in order to provide classification and compensation that is comparable to county employees of similar qualifications and experience in the classified service of San Bernardino County as such comparability is determined by the civil service commission and the board of supervisors. Any salary increases granted or reclassifications made pursuant to this paragraph shall be effective only until the 61st day after the next regular session of the Legislature following the effective date of such salary increase or reclassification.

73109. The municipal court coordinator shall be the administrative officer of the district under the control and supervision of the presiding judge of the district. The council of presiding judges shall prescribe and regulate by majority vote the duties and authority of the municipal court coordinator, among which shall be:

(a) To direct and coordinate the nonjudicial activities of the district.

(b) To coordinate the personnel practices in compliance with rules of the district and those of the Civil Service Commission of the County of San Bernardino.

(c) To prepare and administer the budget of the district.

(d) To coordinate with other county agencies, the acquisition, utilization, maintenance, and disposition of county facilities, equipment and supplies necessary for operation of the district.

(e) To initiate studies and prepare appropriate recommendations and reports to the presiding judge of the district and the council of presiding judges relating to the business of the district, including, but not limited to, such matters as standardization of forms, procedures, and of classification and compensation of officers and employees.

(f) To collect, compare, and analyze statistical data on a continuing basis concerning the status of judicial and nonjudicial business of the district and to prepare periodic reports and recommendations based on such data.

(g) To make arrangements for and attend all meetings of the council of presiding judges, to assist the presiding judge of the district in the preparation of the agenda, and to prepare minutes of the meetings of the council.

(h) To serve as liaison for the district with other persons, committees, boards, groups, and associations as directed by the presiding judge of the district or the council of presiding judges.

73110. There shall be one Marshal of the San Bernardino County Municipal Court District who shall be appointed by, and serve at the pleasure of, a majority of the council of presiding judges and who shall receive a monthly salary at a rate specified in range 56 of Section 73113. The marshal initially appointed pursuant to this article shall be selected from those individuals who respectively held the position of Marshal of the Redlands Judicial District, the San Bernardino Judicial District, the West Valley Municipal Court District and the Victor Judicial District just prior to the effective date of this article. The deputies and other employees of the incumbent marshals of each such superseded judicial district shall become employees of the Marshal of the San Bernardino County Municipal Court District at classifications and salaries determined by the board of supervisors, but in no event shall the salaries be less than those being received by such personnel on the effective date of this article, nor more than that specified in range 52 of Section 73113.

73111. A branch office of the Marshal of the San Bernardino County Municipal Court District shall be maintained in each division of said district as designated in Section 73101.

73112. The marshal may appoint one assistant marshal for each of the divisions designated and set forth in Section 73101, each of whom shall receive the monthly compensation specified in the appropriate range as set forth in Section 73113. Those individuals who held the positions of Marshal of the Redlands Judicial District, the San Bernardino Judicial District, the West Valley Municipal Court District and the Victor Judicial District and who are not selected marshal as provided in Section 73110, shall each succeed to one of these positions of assistant marshal, and all such assistant marshals shall succeed to permanent status in his new position without further examination, qualification or certification and without further probationary service. Any assistant marshal vacancies not filled by incumbents as provided in this section shall be filled in accordance with existing regulations governing appointments in the classified service in the County of San Bernardino.

Notwithstanding the provisions of Section 31662.6 of this code, if an elective officer who has attained the age of 60 succeeds to a nonelective position pursuant to the provisions of this article, such person shall be retired on the second anniversary date of his succession to such nonelective position or on the date following his 60th birthday which corresponds to the date his election term would have expired in the absence of such succession to a nonelective position, whichever date is later.

73113. The monthly salaries for the positions listed in Sections 73110 and 73112 shall be increased in accordance with the schedule set forth below:

Classification	Range	A	1	B	2	C	3	D	4	E
Marshal	55	$786	$805	$825	$845	$866	$887	$909	$931	$957
Assistant marshal IV	52	731	749	767	786	805	825	845	866	887
Assistant marshal II	49	679	696	713	731	749	767	786	805	825
Assistant marshal I	47	647	663	679	696	713	731	749	767	786

The hiring salary for each position set forth shall be the salary in column A. A service period of six months shall be required for salary increase from column A to column B and one additional year service for a salary increase from column B to column C A service period of 18 months shall be required for a salary increase from column C to column D and two additional years of service for a salary increase from column D to column E.

73114. The Fontana Judicial District and the Rialto Judicial District in the County of San Bernardino are hereby consolidated into the San Bernardino County Municipal Court District as a division thereof with a municipal court and the justice courts functioning in the aforesaid judicial districts are abolished. Authorized officers and personnel, and the compensation therefor, shall be as set forth in Article 10.5 (commencing with Section 73700) of Chapter 10 of Title 8 of this code as added by the 1967 Regular Session of the Legislature. Subject only to the provisions of both that article and this article, each officer and employee of the justice courts in the Fontana and Rialto Judicial Districts on the day preceding the effective date of this article shall be entitled to succeed to the position in the court of the division established by this section most nearly comparable to the position he held in the service of those justice courts. In the event there are more persons eligible to succeed to positions in the court established by this section than there are positions authorized for such court, the civil service commission shall determine who shall succeed to the authorized positions pursuant to current applicable rules and regulations.

Any person holding an elective office on the day prior to the effective date of this article as enacted at the 1967 Regular Session of the Legislature who succeeds to a position in the municipal court established by this article shall succeed to permanent status in his new position under personnel rules and regulations without further examination, qualification or certification and without further probationary service.

Any such person succeeding to a position in the municipal court established by this section who has attained permanent status under the personnel rules and regulations governing his former position, shall succeed to permanent status in his new position without further examination, qualification, or certification and without further probationary service. Any such person who has not attained permanent status in such former position shall be required to complete the probationary period applicable to the position to which he succeeds; provided, however, that service in such former position shall be counted toward completion of the probationary period. Each person succeeding to a new position pursuant to the provisions of this section shall retain employee benefits to which he is entitled on the day prior to the effective date of this article.

73115. Except as may be modified by this article, the provisions of Articles 10.5 (as enacted by Assembly Bill No. 1986

of the 1967 Regular Session), 16.5, 18 (as enacted by Senate Bill No. 1049 of the 1967 Regular Session), 23, and 35.5 of Chapter 10 of Title 8 of this code shall govern the number of judges, and the number, classification, and salaries of officers, attachés, and employees of the divisions of the district.

The officers and attachés provided for in Sections 73107 and 73112 shall be subject to the same or similar obligations and be granted the same or similar employee benefits as are now required or granted to employees of the County of San Bernardino.

Each officer, attaché, or employee of the existing municipal courts on the day preceding the effective date of this article as enacted at the 1967 Regular Session of the Legislature shall be entitled to succeed to the position in the court of the division established by this article comparable to the position now held. In no event shall the salary of any such officer, attaché, or employee be less than his salary on the day preceding the effective date of this article except such reductions as may be made pursuant to applicable rules, regulations, and ordinances of the civil service commission and the board of supervisors.

In the event the board of supervisors creates any new divisions or modifies any divisions established hereby pursuant to the provisions of Section 73102, the number, classification, and compensation of additional municipal court personnel necessitated thereby shall be governed by the provisions of Article 3 (commencing with Section 71080) of Chapter 6 and Article 4 (commencing with Section 72150) of Chapter 8 of Title 8 of this code.

73116. Trial jurors for each session of the courts of the district shall be selected from persons residing within the divisions within which such sessions are held. Upon adoption of a rule pertaining thereto by the council of presiding judges, any division may use the same jury panel as that summoned for service in the superior court. When selected from the superior court panel, persons so selected for jury duty in the municipal court division need not be residents of the division.

CHAPTER 1305

An act to add Article 10.5 (commencing with Section 73700) to Chapter 10 of Title 8 of the Government Code, relating to the Fontana-Rialto Municipal Court.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Article 10.5 (commencing with Section 73700) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 10.5. Fontana-Rialto

73700. This article applies to the municipal court established in a district embracing the cities of Fontana and Rialto in the County of San Bernardino.

73701. There shall be one judge.

73702. There shall be one clerk of the municipal court, who shall be the administrative officer of the court, who may appoint one assistant clerk of the municipal court, one municipal court clerk, one senior clerk, three intermediate clerks, and one clerk.

73703. There shall be one marshal, who shall receive a salary of seven hundred eighty-six dollars ($786) per month, and who may appoint two deputy marshals and one half-time intermediate clerk.

73704. Whenever reference to a salary range is made in this article, the following schedule of monthly salary shall apply.

Range	Salary steps								
No.	A	1	B	2	C	3	D	4	E
22	$351	$360	$369	$378	$387	$397	$407	$417	$427
23	360	369	378	387	397	407	417	427	438
24	369	378	387	397	407	417	427	438	449
25	378	387	397	407	417	427	438	449	460
26	387	397	407	417	427	438	449	460	471
27	397	407	417	427	438	449	460	471	483
28	407	417	427	438	449	460	471	483	495
29	417	427	438	449	460	471	483	495	507
30	427	438	449	460	471	483	495	507	519
31	438	449	460	471	483	495	507	519	532
32	449	460	471	483	495	507	519	532	545
33	460	471	483	495	507	519	532	545	559
34	471	483	495	507	519	532	545	559	573
35	483	495	507	519	532	545	559	573	587
36	495	507	519	532	545	559	573	587	601
37	507	519	532	545	559	573	587	601	616
38	519	532	545	559	573	587	601	616	631
39	532	545	559	573	587	601	616	631	647
40	545	559	573	587	601	616	631	647	663
41	559	573	587	601	616	631	647	663	679
42	573	587	601	616	631	647	663	679	696
43	587	601	616	631	647	663	679	696	713
44	601	616	631	647	663	679	696	713	731
45	616	631	647	663	679	696	713	731	749
46	631	647	663	679	696	713	731	749	767
47	647	663	679	696	713	731	749	767	786
48	663	679	696	713	731	749	767	786	805
49	679	696	713	731	749	767	786	805	825
50	696	713	731	749	767	786	805	825	845
51	713	731	749	767	786	805	825	845	866
52	731	749	767	786	805	825	845	866	887

Range	Salary steps								
No.	A	1	B	2	C	3	D	4	E
53	749	767	786	805	825	845	866	887	909
54	767	786	805	825	845	866	887	909	931
55	786	805	825	845	866	887	909	931	954
56	805	825	845	866	887	909	931	954	978
57	825	845	866	887	909	931	954	978	1,002
58	845	866	887	909	931	954	978	1,002	1,027
59	866	887	909	931	954	978	1,002	1,027	1,052
60	887	909	931	954	978	1,002	1,027	1,052	1,078

The administration of the salary plan provided by this article including the hiring rate; increases within range; salary on promotion, transfer or demotion; salary on position reclassification and all other relevant matters shall be in accordance with the personnel rules and ordinances of the County of San Bernardino.

The job classification and the number of the salary range which constitutes the compensation for each job classification is shown below.

Job classification	Range
Clerk of the municipal court I	55
Assistant clerk of the municipal court I	43
Municipal court clerk	40
Municipal court clerk assistant	36
Principal clerk	35
Senior stenographer clerk	34
Fiscal assistant	33
Senior clerk	32
Stenographer clerk	28
Intermediate clerk	26
Clerk	22
Deputy marshal	43
Bailiff	37

Notwithstanding any other provisions of law, the salary and classifications of municipal court employees may be increased or decreased within the range limits set forth in this section in order to provide classification and compensation that is comparable to county employees of similar qualifications and experience in the classified service of San Bernardino County as such comparability is determined by the civil service commission and the board of supervisors.

The officers and attachés of the municipal court shall be subject to the same or similar obligations and be granted the same or similar employee benefits as are required of or granted to employees of the County of San Bernardino.

73705. Official reporters in the Municipal Court of the Fontana-Rialto Judicial District appointed pursuant to Section 72194 shall be attachés of such court and in lieu of any other compensation provided by law for services in reporting

testimony and proceedings in such court shall receive a salary in the same sum monthly or per diem as is paid the official reporters of the Superior Court of the County of San Bernardino, which shall be charged against the general fund of the county.

73706. In any civil action or proceedings, in addition to the fees required by Article 2 (commencing with Section 72050) of Chapter 8 of this title, a fee of five dollars ($5) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceedings, in the following instances:

(a) Upon the filing of a complaint or other first paper;

(b) Upon the filing of an answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff;

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or a special proceeding. The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court. All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 of Chapter 8 of this title.

73707. Fees for transcription of testimony and proceedings in the court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

73708. Official reporters of the court shall be members of any retirement system maintained by the county in which they are employed. For the purposes of such retirement system, the salary provided for such reporters in this article shall be deemed their entire compensation.

73709. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court with the approval of the judges of the court and the Board of Supervisors of the County of San Bernardino, an officer or an attaché of the court, whether appointed under the provisions of this article or under Article 4 of Chapter 8 of this title, may be paid any compensation, which is within the ranges and increments set forth in this article, in excess of or less than the maximum to which such employee would otherwise be entitled; provided, that any such salary adjust-

ment shall not extend longer than 60 days after the adjournment of the next regular session of the Legislature.

SEC. 2. The provisions of this act shall become effective upon the consolidation of the Rialto and Fontana Judicial Districts or the effective date of this act, whichever is later.

CHAPTER 1306

An act to amend Sections 8551 and 8553 of, and to add Sections 886.2 and 8552.5 to, the Education Code, to amend Section 886 and to amend and renumber Section 886.2 of the Education Code as enacted by Senate Bill No. 311, relating to services of the county superintendents of schools.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

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

SECTION 1. Section 8551 of the Education Code is amended to read:

8551. The county superintendent of schools may, with the approval of the county board of education, and in cooperation with school districts, provide for the preparation of courses of study and the development of curriculum and instructional materials to be used in the elementary and secondary schools.

SEC. 2. Section 8552.5 is added to the Education Code, to read:

8552.5. The county superintendent of schools, with the approval of the county board of education, and in cooperation with school districts and the State Department of Education, may participate in projects for developmental program planning.

SEC. 3. Section 8553 of the Education Code is amended to read:

8553. The services described in Sections 8551, 8552 and 8552.5 shall, except clerical, accounting, and stenographic services, be performed by persons who hold a valid credential, or a life diploma based thereon, of one or more of the following types issued by the State Board of Education:

(a) Elementary school administration credential.

(b) Elementary school supervision credential.

(c) Special subject supervision credential.

(d) Standard administration credential.

(e) Standard supervision credential with authorization to act as a principal or with a specialization in elementary supervision.

(f) A credential which authorizes service similar to that authorized by one or more of the foregoing types of credentials.

Any person who is, and continuously since September 7, 1955, has been, employed in the office of a county superintendent of schools and is performing the services described in this article may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

SEC. 4. Section 886 of the Education Code, as added by Senate Bill No. 311, is amended to read:

886. The county superintendent of schools may, with the approval of the county board of education, and in cooperation with school districts, provide for the preparation of courses of study and the development of curriculum and instructional materials to be used in the elementary and secondary schools.

SEC. 5. Section 886.2 is added to the Education Code, to read:

886.2. The county superintendent of schools, with the approval of the county board of education, and in cooperation with school districts and the State Department of Education, may participate in projects for developmental program planning.

SEC. 6. Section 886.2 of the Education Code, as added by Senate Bill No. 311, is amended and renumbered to read:

886.3. The services described in Sections 886, 886.1 and 886.2, except clerical, accounting, and stenographic services, shall be performed by persons who hold a valid credential, or a life diploma based thereon, of one or more of the following types issued by the State Board of Education:

(a) Elementary school administration credential.

(b) Elementary school supervision credential.

(c) Special subject supervision credential.

(d) Standard administration credential.

(e) Standard supervision credential with authorization to act as a principal or with a specialization in elementary supervision.

(f) A credential which authorizes service similar to that authorized by one or more of the foregoing types of credentials.

Any person who is, and continuously since September 7, 1955, has been, employed in the office of a county superintendent of schools and is performing the services described in this article may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

SEC. 7. Sections 4, 5, and 6 of this act shall become operative only if Senate Bill No. 311 of the 1967 Regular Session is enacted, and in such case at the same time as Senate Bill No. 311 takes effect; at which time Sections 8551, 8552.5, and 8553 of the Education Code as amended and added by Sections 1, 2 and 3 of this act are repealed.

CHAPTER 1307

An act to amend Section 6050 of the Welfare and Institutions Code, relating to voluntary admissions to state mental hospitals.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 6050 of the Welfare and Institutions Code is amended to read:

6050. Pursuant to rules and regulations established by the State Department of Mental Hygiene, the superintendent of a state hospital for the mentally ill or mentally deficient may receive and detain in such hospital, as a boarder and patient, any person who is a suitable person for care and treatment in such hospital, upon receipt of a written application for the admission of the person into the hospital for care and treatment made in accordance with the following requirements:

(a) In the case of an adult person, the application shall be made voluntarily by the person, at a time when he is in such condition of mind as to render him competent to make it.

(b) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody to any of such mental hospitals as may be designated by the Director of Mental Hygiene to admit minors on voluntary applications.

Any such person received and detained in a state hospital shall be deemed a voluntary patient.

Upon the admission of a voluntary patient to a state hospital, the superintendent shall immediately forward to the office of the State Department of Mental Hygiene the record of such voluntary patient, showing the name, residence, age, sex, place of birth, occupation, civil condition, date of admission of such patient to such hospital, and such other information as is required by the rules and regulations of the department.

The charges for the care and keeping of a mentally ill person in a state hospital shall be governed by the provisions of Article 5 (commencing with Section 6650) of Chapter 1 of Part 4 relating to the charges for the care and keeping of mentally ill persons in state hospitals. The county where a mentally deficient person resided at the time of admission, as determined by the Department of Mental Hygiene, shall pay the cost to the state of the care of such person as provided by Sections 7009 and 7010 of this code; provided that, if a minor mentally deficient person is recommitted by the county where the state hospital is located solely for the reason that he has attained majority, the county of residence of such person shall remain the same as that established at the time of his initial admission. The responsibility of the mentally deficient

patient and his kindred for reimbursement to the county shall be governed by Articles 3 and 4 (commencing with Section 2576) of Chapter 2 of Division 4 of this code.

No adult person received into a state hospital under such voluntary application shall be detained therein for more than seven days, after having given notice, in writing, to the superintendent of his desire to leave such hospital unless, within such period, a petition has been filed with the superior court for commitment of such person as a mentally ill person.

No minor person received into a state hospital as a voluntary patient shall be detained therein for more than seven days after notice is given, in writing, to the superintendent by the parents, or the parent, guardian, or other person entitled to the custody of the minor, of their desire to remove him from the hospital.

No person received into a state hospital as a voluntary patient during his minority shall be detained therein after he reaches the age of majority, but any such person, after attaining the age of majority, may apply for admission into the hospital for care and treatment in the manner prescribed in this section for applications by adult persons.

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this section.

No person shall be admitted to a state hospital for the mentally deficient under this article unless he meets the residence requirements set forth in Section 5591 of this code.

CHAPTER 1308

An act to amend Section 139 of the Civil Code, relating to support allowance.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows.

SECTION 1. Section 139 of the Civil Code is amended to read:

139. In any interlocutory or final decree of divorce or in any final judgment or decree in an action for separate maintenance, the court may compel the party against whom the decree or judgment is granted to make such suitable allowance for support and maintenance of the other party for his or her life, or for such shorter period as the court may deem just, having regard for the circumstances of the respective parties and also to make suitable allowance for the support, maintenance and education of the children of said marriage during their minority, specifying in such judgment or decree the name, age and amount of support for each child, and said decree or judgment may be enforced by the court by execution,

contempt, or by such order or orders as in its discretion it may from time to time deem necessary.

That portion of the decree or judgment making any such allowance or allowances, and the order or orders of the court to enforce the same may be modified or revoked at any time at the discretion of the court except as to any amount that may have accrued prior to the order of modification or revocation.

Except as otherwise agreed by the parties in writing, the court may, upon petition of either party, modify or revoke any decree or judgment granting any allowance to the other party upon proof that the wife is living with another man and holding herself out as his wife, although not married to such man, or that the husband is living with another woman and holding himself out as her husband, although not married to such woman, except as to any amount that may have accrued prior to the order of modification or revocation.

Except as otherwise agreed by the parties in writing, the obligation of any party in any decree, judgment or order for the support and maintenance of the other party shall terminate upon the death of the obligor or upon the remarriage of the other party.

The provisions of any agreement for child support shall be deemed to be separate and severable from all other provisions of such agreement relating to property and support of the wife or husband. All orders for child support shall be law imposed and shall be made under the power of the court to make such orders. All such orders for child support, even when there has been an agreement between the parties on the subject of child support, may be modified or revoked at any time at the discretion of the court except as to any amount that may have accrued prior to the order of modification or revocation and may be enforced by the court by execution, contempt, or such other order or orders as the court in its discretion may from time to time deem necessary.

The provisions of any agreement for the support of either party shall be deemed to be separate and severable from the provisions of the agreement relating to property. All orders for the support of either party based on such agreement shall be deemed law imposed and shall be deemed made under the power of the court to make such orders. The provisions of any agreement or order for the support of either party shall be subject to subsequent modification or revocation by court order except as to any amount that may have accrued prior to the order of modification or revocation, and except to the extent that any written agreement, or if there is no written agreement, any oral agreement entered into in open court between the parties, specifically provides to the contrary. All such orders of the court for the support of the other party, even if there has been an agreement of the parties, may be enforced by the court by execution, contempt, or by such other order or orders as the court in its discretion may from time to time deem necessary.

The amendments to the second paragraph of this section enacted at the 1959 Regular Session of the Legislature are effective only with respect to property settlement agreements entered into after the effective date of such amendments.

The 1963 amendments to this section apply only with respect to property settlement agreements entered into after the effective date of such amendments.

The 1967 amendments to this section apply only with respect to agreements entered into after the effective date of such amendments.

CHAPTER 1309

An act to add Section 13328.5 of the Education Code, relating to school certificated employees.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 13328.5 is added to the Education Code, to read:

13328.5. Notwithstanding Section 13328, a probationary employee employed by a junior college district or a junior college maintained by a unified or high school district who, in any school year consisting of two semesters or three quarters, has served more than 75 percent of the number of hours considered as a full-time assignment for permanent employees having similar duties in the junior colleges of the district in which he is employed, shall be deemed to have served a complete school year.

CHAPTER 1310

An act to amend Section 76 and to repeal Section 77 of, and to add Sections 77 and 77.5 to, the Streets and Highways Code, relating to acceptance of federal grants for highways.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 76 of the Streets and Highways Code is amended to read:

76. There is hereby delegated to the commission by the Legislature of the State of California full power and authority to request or accept on behalf of the State of California any grant or grants or modifications of grants made by any executive agency of the United States whereby rights-of-way for the extension, maintenance or operation of state roads or bridges across property of the United States of America are desired or have been granted to the State of California or to any political subdivision thereof.

SEC. 2. Section 77 of said code is repealed.

SEC. 3. Section 77 is added to said code, to read:

77. The commission may accept, by appropriate resolution, a grant or modification of a grant of right-of-way for any of the roads mentioned in Section 76 across property of the United States of America.

SEC. 4. Section 77.5 is added to said code, to read:

77.5. Notwithstanding any other provision of law, the Governor of the State of California is authorized to accept any retrocession of legislative jurisdiction offered by the United States of America over real property upon which an easement for a right-of-way or any other interest for highway purposes has been granted by the federal government to the State of California.

The execution and delivery of acceptance of retrocession of legislative jurisdiction by the Governor of California shall be filed in the office of the county recorder where the land is located and in the office of the State Lands Commission. The State Lands Commission shall maintain a permanent public record of such acceptances as part of the index relating to jurisdiction of the United States of lands in the State of California required by Section 127 of the Government Code.

CHAPTER 1311

An act to amend Section 11860 of the Insurance Code, relating to the State Compensation Insurance Fund.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 11860 of the Insurance Code is amended to read:

11860. Each quarter the manager of the State Compensation Insurance Fund shall make a report to the Governor of the business done by the State Compensation Insurance Fund during the previous quarter and a statement of the fund's resources and liabilities at the close of that previous quarter. The Auditor General shall, whenever in his professional judgment it is necessary, audit the books and records of the State Compensation Insurance Fund and cause an abstract summary thereof to be published one or more times in at least two newspapers of general circulation in the state. The Auditor General shall be reimbursed by the fund for his expenses in making such audit. The manager of the fund shall likewise make to the commissioner all reports required by law to be made to him by other insurers.

CHAPTER 1312

An act to amend Sections 43607, 43608, 46302, and 46324 of, and to amend and renumber Section 48056 of, the Agricultural Code, as proposed by Senate Bill No. 1, relating to vegetable standards.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 43607 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

43607. Standard containers numbers 45 to 45B, inclusive, are as follows:

Number	Name	Dimensions in inches		
		Depth	Width	Length
45	Standard crate	14¼	18¼	20½ or 21¾
45A	Lettuce crate	9¾	14	21
45B	Nonbulge lettuce crate	10¾	16⅛	21½

Standard container number 45, if it is lidded, shall have a lid which is not over 23⅜ inches in length if it is constructed with the 20½-inch inside length and which is not over 24⅝ inches in length if it is constructed with the 21¾-inch inside length.

The nonbulge lettuce crate number 45B may have a slight bulge, when the lettuce is first placed or packed in it, on each side, each end, the top, and the bottom, as established by regulations of the director. Not more than 5 percent, by count, of containers number 45B in any lot may exceed the slight bulge.

Standard container 45B shall comply with the Mullen bursting test of not less than 300 pounds, and shall be plainly marked with the statement "Container material complies with the Mullen bursting test of not less than 300 pounds," or a similar statement which indicates not less than the same bursting standard.

SEC. 2. Section 43608 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

43608. Standard containers numbers 45E to 45L, inclusive, are as follows:

Number	Name	Dimensions in inches Depth	Width	Length
45E	Celery container	9¾	16	19¼
45F	Celery container	9¾	16	20 to 20¼
45G	Celery container	10	11	15¾ to 16
45H	Celery container	9½	10½	15¾
45I	Celery container	8¼	9	17¼
45J	Celery container	8¼	11	15
45K	Celery container	9¾	11½	19¼
45L	Celery container	11	15½	19¼

The nonbulge celery container 45L shall only be used when lidded and packed with no more than a slight bulge on top and bottom as established by regulations of the director. Not more than 10 percent, by count, of containers number 45L in any lot may exceed this slight bulge.

SEC. 3. Section 46302 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

46302. The standard containers for celery are standard containers numbers 45E, 45F, 45G, 45H, 45I, 45J, 45K, and 45L.

SEC. 4. Section 46324 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

46324. Except as otherwise provided in Section 46325, all celery shall be placed in standard containers numbers 45E, 45F, 45G, 45H, 45I, 45J, 45K, or 45L and such containers shall be closed and lidded. Standard container number 45E shall be closed with a lid which is not over 22 inches in length.

SEC. 5. Section 48056 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended and renumbered to read:

48055. Head lettuce, which is packed or placed in layers in any container, shall not vary in size in any one container more than 15 percent of heads which would fairly tightly pack a size, larger or smaller, than the size which is marked. It shall be fairly tightly packed with the same numerical count of regularly arranged heads in each layer. None of the heads shall be placed outside of the regular arrangement of three uniform flat layers in standard container number 45 and two uniform flat layers in standard container number 45A or 45B. If, however, 2½ dozen heads of lettuce of the 2½ dozen size when fairly tightly packed in standard container number 45A are packed in such container, six heads of the same size or dimensions as the heads which are contained in the upper and lower layers may be placed between such layers if the upper and lower layers consist of 12 heads each and the total count in the container is 30 heads.

CHAPTER 1313

An act to amend Section 25210.4 of, and to add Sections 25210.4a, 25210.9c, and 25210.70b to, the Government Code, relating to extended services in county service areas.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 25210.4 of the Government Code is amended to read:

25210.4. A county service area may be established under this chapter to provide any one or more of the following types of extended service within such area:

(a) Extended police protection.

(b) Structural fire protection.

(c) Local park, recreation or parkway facilities and services.

(d) Any other governmental services, hereinafter referred to as miscellaneous extended services, which the county is authorized by law to perform and which the county does not also perform to the same extent on a countywide basis both within and without cities, if:

(1) The board of supervisors determines that such services should be provided on an extended basis within a county service area; or

(2) Such services are specified in a request or a petition for the initiation of proceedings for the formation of a county service area or in a request or a petition for the initiation of proceedings for the furnishing of additional types of services within a county service area.

(e) Extended library facilities and services.

At the time of the adoption of the resolution of intention to establish a county service area the board of supervisors shall specify the type or types of services which are proposed to be provided within the area pursuant to this chapter.

SEC. 2. Section 25210.4a is added to the Government Code, to read:

25210.4a. The term "miscellaneous extended services" as used in this chapter shall include, but shall not be limited to, the following:

(1) Water service including the acquisition, construction, operation, replacement, maintenance and repair of water supply and distribution systems, including land, easements and rights-of-way and water rights.

(2) Sewer service, including the acquisition, construction, operation, replacement, maintenance and repair of sewage collection, transportation and disposal systems, including land, easements and rights-of-way.

(3) Pest or rodent control.

(4) Street and highway sweeping.

(5) Street and highway lighting including the acquisition, construction, replacement, maintenance and repair of a street or highway lighting system, including land, easements and rights-of-way.

(6) Refuse collection.

(7) Garbage collection.

SEC. 3. Section 25210.9c is added to the Government Code, to read:

25210.9c. Pursuant to a resolution adopted by a four-fifths vote of all the members of its board of supervisors, a county may appropriate any of its available moneys to a revolving fund not to exceed three hundred fifty thousand dollars ($350,000) to be used for the acquisition of real or personal property, engineering services, or the construction of structures or improvements needed in whole or in part to provide one or more extended services to a county service area located wholly within the county. The revolving fund shall be reimbursed from service fees, connection charges, tax revenues or other moneys available from the service area, and no sums shall be disbursed from the fund until the board has, by resolution, established the method by and term, not exceeding five years within which the county service area is to reimburse the fund. The service area shall reimburse the fund for any amount disbursed to the service area within five years after such disbursement, together with interest at the current rate per annum received on similar types of investments by the county as determined by the county treasurer.

SEC. 4. Section 25210.70b is added to the Government Code, to read:

25210.70b. Whenever a person installs sewers or other facilities for sewers or water pipelines or other facilities for a water supply or distribution system, and the board of supervisors determines that it is necessary that such sewers, water pipelines or other facilities be constructed so that they can or will be used for the benefit of property other than that of the person making the installation and such sewers, water pipelines, or other facilities are dedicated to the public or become the property of the county, the board of supervisors may by contract agree to reimburse such person for such sewers, water pipelines or other facilities. Such contract may provide that the county may collect from any person using such sewers, water pipelines or other facilities for the benefit of property not owned by the person making the installation a reasonable fee or charge.

CHAPTER 1314

An act to add Section 2784.5 to the Civil Code, relating to indemnity contract.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 2784.5 is added to the Civil Code, to read:

2784.5. Any provision, promise, agreement, clause, or covenant contained in, collateral to, or affecting any hauling, trucking, or cartage contract or agreement is against public policy, void and unenforceable if it purports to indemnify the promisee against liability for any of the following damages which are caused by the sole negligence or willful misconduct of the promisee, agents, servants, or the independent contractors directly responsible to the promisee, except when such agents, servants, or independent contractors are under the direct supervision and control of the promisor:

(a) Damages arising out of bodily injury or death to persons.

(b) Damage to property.

(c) Any other damage or expense arising under either (a) or (b).

This section shall not affect the validity of any insurance contract, workmen's compensation insurance contract, or agreement issued by an admitted insurer as defined by Sections 23 and 24 of the Insurance Code or insurance effected by surplus line brokers under Sections 1760 through 1780 of the Insurance Code.

CHAPTER 1315

An act to add Section 1016.5 to the Education Code, relating to contracts for legal services.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1016.5 is added to the Education Code, to read:

1016.5. The governing board of any school district may, with the concurrence in writing of the district attorney or county counsel having jurisdiction thereof, contract with a qualified attorney in private practice to provide specialized legal services. Compensation of such attorney in private practice pursuant to contract under this section shall be a proper use of school district funds, but the school district shall first obtain the written views of the district attorney or county coun-

sel, which shall be furnished within seven days from the time of the request by the governing board, as to the need for specialized legal services and on the form of the proposed contract with the private attorney.

CHAPTER 1316

An act to amend Section 17203 of the Education Code and to amend Section 53601 of the Government Code, relating to investment of public funds.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 17203 of the Education Code is amended to read:

17203. The governing board of any school district which, on or after May 28, 1943, has funds in a special reserve fund of the district or any surplus moneys not required for the immediate necessities of the district, is hereby authorized to invest all or any part of such funds in bonds, notes, bills, certificates, debentures or other obligations, issued by the United States of America, or obligations issued by banks for cooperatives, federal land banks, federal intermediate credit banks, federal home loan banks, the Federal Home Loan Bank Board, the Tennessee Valley Authority, or in obligations, participations, or other instruments of or issued by, or fully guaranteed as to principal and interest by, the Federal National Mortgage Association; or in participation certificates evidencing beneficial interests in obligations, or in the right to receive interest and principal collections therefrom, which obligations have been subjected by one or more government agencies to a trust or trusts for which any executive department, agency, or instrumentality of the United States (or the head thereof) has been named to act as trustee.

Any bonds, notes, bills or certificates, debentures or other obligations, so purchased may be sold and the proceeds reinvested in similar bonds, notes, bills or certificates, debentures or other obligations, of the United States of America, its agencies, or its instrumentalities, or placed in the county treasury for credit to the fund of the district from which purchased. This section shall not be construed as in any way limiting or modifying the application of any other law providing for or authorizing the investment of any funds of a school district. Notwithstanding any other provision of law, interest earned on funds representing the proceeds of bonds of the district shall be deposited and retained in the interest and sinking fund of the district to meet the principal and interest falling due on such bonds.

SEC. 2. Section 53601 of the Government Code is amended to read:

53601. The legislative body of a local agency having money in a sinking fund of, or surplus money in, its treasury not required for the immediate necessities of the local agency may invest such portion of the money as it deems wise or expedient in:

(a) Bonds issued by it including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by it or by a department, board, agency or authority thereof.

(b) United States Treasury notes, bonds, bills or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Registered state warrants or treasury notes or bonds of this state including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency or authority thereof.

(d) Bonds, notes, warrants or other evidences of indebtedness of any local agency within this state, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by the local agency, or by a department, board, agency or authority thereof.

(e) Obligations issued by banks for cooperatives, federal land banks, federal intermediate credit banks, federal home loan banks, the Federal Home Loan Bank Board, the Tennessee Valley Authority, or in obligations, participations, or other instruments of or issued by, or fully guaranteed as to principal and interest by, the Federal National Mortgage Association; or in participation certificates evidencing beneficial interests in obligations, or in the right to receive interest and principal collections therefrom, which obligations have been subjected by one or more government agencies to a trust or trusts for which any executive department, agency, or instrumentality of the United States (or the head thereof) has been named to act as trustee.

CHAPTER 1317

An act to amend Section 647 of the Penal Code, and to add Sections 23101.5 and 23102.5 to the Vehicle Code, relating to intoxication.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 647 of the Penal Code is amended to read:

647. Every person who commits any of the following acts shall be guilty of disorderly conduct, a misdemeanor:

(a) Who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view.

(b) Who solicits or who engages in any act of prostitution. As used in this subdivision, "prostitution" includes any lewd act between persons of the same sex for money or other consideration.

(c) Who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms.

(d) Who loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act.

(e) Who loiters or wanders upon the streets or from place to place without apparent reason or business and who refuses to identify himself and to account for his presence when requested by any peace officer so to do, if the surrounding circumstances are such as to indicate to a reasonable man that the public safety demands such identification.

(f) Who is found in any public place under the influence of intoxicating liquor, or any drug, or the influence of toluene or any substance defined as a poison in Schedule D of Section 4160 of the Business and Professions Code, or under the influence of any combination of any intoxicating liquor, drug, toluene or any such poison, in such a condition that he is unable to exercise care for his own safety or the safety of others, or by reason of his being under the influence of intoxicating liquor, or any drug, or the influence of toluene or any substance defined as a poison in Schedule D of Section 4160 of the Business and Professions Code, or under the influence of any combination of any intoxicating liquor, drug, toluene or any such poison, interferes with or obstructs or prevents the free use of any street, sidewalk or other public way.

(g) Who loiters, prowls or wanders upon the private property of another, in the nighttime, without visible or lawful business with the owner or occupant thereof; or who, while loitering, prowling or wandering upon the private property of another, in the nighttime, peeks in the door or window of any inhabited building or structure located thereon, without visible or lawful business with the owner or occupant thereof.

(h) Who lodges in any building, structure or place, whether public or private, without the permission of the owner or person entitled to the possession or in control thereof.

SEC. 2. Section 23101.5 is added to the Vehicle Code, to read:

23101.5. Any person who, while knowingly under the influence of toluene or any other substance defined as a poison in Schedule D of Section 4160 of the Business and Professions Code, drives a vehicle and when so driving does any act forbidden by law or neglects any duty imposed by law in the

driving of such vehicle, which act or neglect proximately causes bodily injury to any person other than himself is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not less than 90 days nor more than one year and by fine of not less than two hundred fifty dollars ($250) nor more than five thousand dollars ($5,000).

SEC. 3. Section 23102.5 is added to the Vehicle Code, to read:

23102.5. (a) It is unlawful for any person while knowingly under the influence of toluene or any other substance defined as a poison in Schedule D of Section 4160 of the Business and Professions Code, to drive a vehicle upon any highway. Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) or by both such fine and imprisonment and upon a second or any subsequent conviction, within seven years of a prior conviction, by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000). A conviction under this section shall be deemed a second conviction if the person has previously been convicted of a violation of Section 23101.5.

(b) If any person is convicted of a second or subsequent offense under this section within seven years of a prior conviction and is granted probation, it must be a condition of probation that such person be confined in jail for at least five days but not more than one year and pay a fine of at least two hundred fifty dollars ($250) but not more than one thousand dollars ($1,000).

(c) If the person convicted under this section is under the age of 21 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

CHAPTER 1318

An act to amend Section 25002 of the Government Code, relating to local elections.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 25002 of the Government Code is amended to read:

25002. The term of office of any supervisor who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he was elected.

At the first election for county supervisors in each county following adjustment of the boundaries of supervisorial districts, a supervisor shall be elected for each district under the readjusted district plan that has the same district number as a district whose incumbent's term is due to expire.

A change in the boundaries of a supervisorial district shall not be made within 90 days prior to the final date of voter registration for an election of supervisors in the county or between the direct primary election and the general election.

CHAPTER 1319

An act to add Section 69595.5 to the Government Code, relating to superior courts.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 69595.5 is added to the Government Code, to read.

69595.5. Notwithstanding the provisions of Article 5 (commencing with Section 69740) of Chapter 5 of Title 8, in the County of San Diego, one or more judges of the superior court shall hold concurrent daily sessions in the City of Vista.

SEC. 2. This act shall become operative on January 1, 1970.

SEC. 3. The Legislature finds and declares that since the area in San Diego County surrounding the City of Vista has experienced a highly unusual rate of growth, and since travel by both litigants and attorneys to the central superior court facilities located in the City of San Diego represents an unusual burden upon them, it is necessary that special provisions be enacted in order to provide for superior court sessions in the City of Vista.

CHAPTER 1320

An act to amend Section 66503 of the Government Code, relating to the Bay Area Transportation Study Commission.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 66503 of the Government Code is amended to read:

66503. There is hereby created the Bay Area Transportation Study Commission, which shall consist of 41 members, as follows:

(a) Two members each from the City and County of San Francisco and the Counties of Alameda, Contra Costa, Solano, Napa, Sonoma, Marin, San Mateo, and Santa Clara. With respect to the members representing the City and County of San Francisco, one shall be appointed by the mayor and one shall be appointed by the board of supervisors. With respect to the members representing each of the other counties, the board of supervisors of the county shall appoint one of its members and the city selection committee of the county shall appoint one member from among the mayors and city councilmen of the cities in such county. The city selection committee shall consist of the mayor of each incorporated city within the county, or, if there is no mayor, by the chairman or president of the city council.

(b) The Administrator of Highway Transportation, the Planning Officer, and one representative each of the Bureau of Public Roads, the Housing and Home Financing Agency, the Bay Area Rapid Transit District, the Association of Bay Area Governments, the Alameda-Contra Costa Transit District, and the Golden Gate Bridge and Highway District.

(c) Seven at-large members appointed by the Governor, all of whom shall be residents of the bay area, and three of whom shall be representatives of bona fide labor organizations.

(d) Two Members of the Senate, appointed by the Senate Committee on Rules, and two Members of the Assembly appointed by the Speaker. The Members of the Legislature shall participate on the study commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature shall constitute a joint interim investigating committee on the subject of this title and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

(e) The chairman of the citizens' advisory committee established under Section 66513.

(f) One member of the San Francisco Bay Conservation and Development Commission appointed by such commission.

(g) One member of the San Francisco Public Utilities Commission appointed by such commission.

(h) One member representing the Port of Oakland appointed by that body.

CHAPTER 1321

An act to amend Sections 7153.1 and 7153.2 of, and to add Section 7400.1 to, the Financial Code, relating to savings and loan associations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 7153.1 of the Financial Code is amended to read:

7153.1. An association may make amortized loans upon the security of improved real property in an amount not in excess of 80 percent of the appraised value of such real property if the appraised value does not exceed forty thousand dollars ($40,000) or not in excess of 80 percent of the first forty thousand dollars ($40,000) of such appraised value if it exceeds forty thousand dollars ($40,000), plus 70 percent of the remainder of such appraised value if one of the following conditions is met:

(a) The real property is a condominium, as defined in Civil Code Section 783, designed for one-family occupancy, and binding contracts have been entered into for the bona fide sale of not less than the majority of the residential units in the condominium project.

(b) The real property is a residential unit designed for one-family occupancy within a community apartment project in which an undivided interest in the real property is coupled with the exclusive right of occupancy of such residential unit and binding contracts have been entered into for the bona fide sale of not less than the majority of the residential units in the community apartment project.

(c) The real property is a residential unit, designed for one-family occupancy, within a cluster-type residential project, in which the interest in such real property is coupled with an undivided interest in common in a portion of the remaining real property on which such project is located, and binding contracts have been entered into for the bona fide sale of not less than the majority of the residential units in the project.

SEC. 2. Section 7153.2 of the Financial Code is amended to read:

7153.2. An association may make amortized loans upon the security of real property in an amount in excess of eighty percent (80%) of the appraised value of such real property, if:

(a) There is located thereon only a structure designed for residential use for one family or a structure designed for residential use for one family and structures ancillary to such residential use;

(b) The loan is in an amount not in excess of (1) thirty-one thousand five hundred dollars ($31,500), or (2) ninety percent (90%) of the appraised value of the real property, or (3) if the loan is made to finance the purchase of the real property, ninety percent (90%) of the purchase price, whichever is less;

(c) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the purchaser and the vendor or vendors have jointly executed a certification in writing stating the purchase price of the security property and the items comprising such price;

(d) The association has made or obtained, prior to approval of the loan, a written report on the credit standing of the borrower and the financial ability of such borrower to undertake and pay off the obligation involved in the loan;

(e) The borrower makes a certification in writing that he intends to occupy the property as his home and that no lien or charge upon the property other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by him; and

(f) The loan requires repayment in monthly installments and each such payment includes the monthly proration of annual taxes and hazard insurance premiums in advance until the unpaid balance of such loan shall have been reduced to eighty percent (80%) of the appraised value or the purchase price if any, whichever is less, of such property.

No association shall have such investments under this section aggregating at any one time more than 20 percent of its total assets. Whenever the unpaid balance of any such loan made under this section shall have been reduced to 80 percent of the appraised value or the purchase price if any, whichever is less, of such property, such loan may be removed from the above imposed limitation of assets.

A loan under this section may be made to finance the construction of a structure described in the first paragraph hereof, but the amount by which such a loan exceeds eighty percent (80%) of the appraised value of the real property shall not be disbursed unless and until construction has been fully completed. If the loan is made to finance construction of such structure for sale the borrower need not certify that he intends to occupy the property as his home, but the amount by which such loan exceeds eighty percent (80%) of the appraised value of the real property shall not be disbursed unless and until construction has been fully completed, the property has been sold and title has been conveyed to a purchaser who has executed an agreement with the association assuming and agreeing to pay the loan and there is then compliance with all of the provisions of the first paragraph hereof.

SEC. 3. Section 7400.1 is added to the Financial Code, to read:

7400.1. Nothing in this division shall be deemed to prohibit the board of directors of an association from determining a

bonus rate of return on shares or investment certificates for a period beyond the next succeeding quarterly or semiannual period, but such bonus rate of return shall not exceed 1 percent per annum and such period, with respect to any particular investment certificate or share, shall not exceed three years, unless the commissioner by regulation permits a higher bonus rate of return or a longer period.

SEC. 3. 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 such necessity are:

The Federal Home Loan Bank Board has adopted a regulation, effective July 7, 1967, which permits federally chartered savings and loan associations in California to make loans on the same basis as this act will permit California savings and loan associations to make such loans.

In order for California savings and loan associations to be competitive in this segment of the loan market it is necessary that this act take effect immediately.

CHAPTER 1322

An act to add Chapter 1.9 (commencing with Section 5099) to Division 5 of the Public Resources Code, relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 18, 1967. Filed with Secretary of State August 18, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.9 (commencing with Section 5099) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.9. CALIFORNIA OUTDOOR RECREATION RESOURCES PLAN ACT

Article 1. Declaration of Policy

5099. It is the purpose of this chapter to provide authority to enable the state and its local governmental agencies and subdivisions to participate in the benefits of the "Land and Water Conservation Fund Act of 1965" (Public Law 88-578; 78 Stat. 897).

Article 2. Powers and Duties

5099.2. The director shall maintain and keep up to date a comprehensive plan for the development of the outdoor recreation resources of the state. Such plan shall be prepared so that it meets the requirements of the "Land and Water Con-

servation Fund Act of 1965" (Public Law 88-578; 78 Stat. 897) with respect to grants to the states under that act.

5099.3. The director shall apply to the Department of the Interior of the United States for participation in or the receipt of aid under the Land and Water Conservation Fund Act of 1965. He shall enter into contracts and agreements with the Department of the Interior of the United States, keep financial and other records relating thereto, and furnish to appropriate officials thereof such reports and information as may be reasonably necessary to enable such officials to perform their duties under the act. In connection with obtaining the benefits of the act, the director shall coordinate his activities with, and represent the interests of, all state and local governmental agencies and subdivisions of the state having interests in the planning, development, and maintenance of outdoor recreation resources and facilities. In so doing, the director shall give equal consideration to urban and rural areas in disbursing the fund.

5099.4. The director may receive, on behalf of state and local agencies and subdivisions of the state, and disburse any federal funds for outdoor recreation purposes received pursuant to the act. Such funds shall be deposited in the Special Deposit Fund in the State Treasury provided for by Section 16370 of the Government Code, and may be expended under such terms and conditions as may be required by the federal government.

5099.5. The director shall make no commitment or enter into any agreement pursuant to an exercise of authority under this chapter until he has determined that any money or property required to be furnished as the state's share, if any, of project cost is available for such purpose. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to the act participated in by this state under authority of this chapter, such areas and facilities shall be publicly maintained for outdoor recreation purposes. The director may enter into and administer agreements with the Department of the Interior of the United States for planning, acquisition, and development projects involving participation in or receipt of aid under the act on behalf of any local governmental agency or subdivision of this state.

Article 3. Administration

5099.10. The director shall propose rules and regulations which establish standards governing the disbursement of funds received by him pursuant to this chapter. The director shall hold a public hearing on such proposed rules and regulations, before March 1, 1968, in the following locations: (1) Redding or Red Bluff; (2) Sacramento; (3) Los Angeles; and (4) San Diego. After March 1, 1968, the director may hold hearings as he deems necessary on revisions of the rules and regulations as

originally adopted pursuant to this section, and he shall hold hearings on such proposed revisions upon request. Rules and regulations which have been adopted or revised pursuant to this section shall be published in the California Administrative Code.

5099.11. The director shall transmit a copy of rules and regulations which have been adopted, and shall annually transmit any adopted revisions thereof, to each Member of the Legislature.

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 such necessity are:

In order to enable the state, and local agencies who desire to participate under the Land and Water Conservation Fund Act of 1965, to formulate plans for the acquisition of land, waters, or interests in land for outdoor recreation and to take steps to acquire such interest at the lowest possible cost, and to enable the Department of Parks and Recreation to develop the comprehensive statewide outdoor recreation plan required by the act at the earliest possible date so that the state and interested local agencies can effectively participate in the program, it is necessary that this act take effect immediately.

SEC. 3. Article 3 (commencing with Section 5099.10), Chapter 1.9, Division 5, of the Public Resources Code shall not become operative until January 1, 1968.

CHAPTER 1323

An act to amend Section 503 of the Streets and Highways Code, relating to state highways.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 503 of the Streets and Highways Code is amended to read:

503. Route 203 is from the Mono county line near Minaret Summit to Route 395.

CHAPTER 1324

An act to amend Sections 388, 410, and 411 of, and to add Section 395.2 to, the Code of Civil Procedure, and to amend Section 15700 of, and to add Part 4 (commencing with Section 24000) to Title 3 of the Corporations Code, relating to unincorporated associations.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 388 of the Code of Civil Procedure is amended to read:

388. (a) Any partnership or other unincorporated association, whether organized for profit or not, may sue and be sued in the name which it has assumed or by which it is known.

(b) Any member of the partnership or other unincorporated association may be joined as a party in an action against the unincorporated association. If service of process is made on such member as an individual, whether or not he is also served as a person upon whom service is made on behalf of the unincorporated association, a judgment against him based on his personal liability may be obtained in the action, whether such liability be joint, joint and several, or several.

SEC. 2. Section 395.2 is added to the Code of Civil Procedure, to read:

395.2. If an unincorporated association has filed a statement with the Secretary of State pursuant to Section 24003 of the Corporations Code listing its principal office in this state, the proper county for the trial of an action against such unincorporated association is the same as it would be if the unincorporated association were a corporation and, for the purpose of determining such county, the principal place of business of the unincorporated association shall be deemed to be the principal office in this state listed in the statement.

SEC. 3. Section 410 of the Code of Civil Procedure is amended to read:

410. The summons may be served by the sheriff, a constable, or marshal, of the county where the defendant is found, or any other person over the age of 18, not a party to the action. A copy of the complaint must be served, with the summons, upon each of the defendants. When the service is against a corporation, or against an unincorporated association in an action brought under Section 388, there shall appear on the copy of the summons that is served a notice stating in substance: "To the person served: You are hereby served in the within action (or proceeding) on behalf of (here state the name of the corporation or the unincorporated association) as a person upon whom the summons and a copy of the complaint must be served to effect service against said party under the provisions of (here state appropriate provisions of Section 411)

of the Code of Civil Procedure." When service is intended to be made upon said person as an individual as well as a person upon whom service must be made on behalf of said corporation or said association, said notice shall also indicate that service is had upon said person as an individual as well as on behalf of said corporation or said association. In a case in which the foregoing provisions of the section require that notice of the capacity in which a person is served must appear on the copy of the summons that is served, the certificate or affidavit of service must recite that such notice appeared on such copy of the summons, if, in fact, it did appear. When service is against a corporation, or against an unincorporated association in an action brought under Section 388, and notice of that fact does not appear on the copy of the summons or a recital of such notification does not appear on the certificate or affidavit of service of process as required by this section, no default may be taken against such corporation or such association. When service is made upon the person served as an individual as well as on behalf of the corporation or association, and the notice of that fact does not appear on the copy of the summons or a recital of such notification does not appear in the certificate or affidavit of service of process as required by this section, no default may be taken against such person.

When the summons is served by the sheriff, a constable or marshal, it must be returned, with his certificate of its service, and of the service of a copy of the complaint, to plaintiff if he is acting as his own attorney, otherwise to plaintiff's attorney. When it is served by any other person, it must be returned to the same place, with the affidavit of such person of its service, and of the service of a copy of the complaint.

If the summons is lost subsequent to service and before it is returned, an affidavit of the official or other person making service, showing the facts of service of the summons, may be returned in lieu of the summons and with the same effect as if the summons were itself returned.

SEC. 4. Section 411 of the Code of Civil Procedure is amended to read:

411. The summons must be served by delivering a copy thereof as follows:

1. If the suit is against a domestic corporation: to the president or other head of the corporation, a vice president, a secretary, an assistant secretary, general manager, or a person designated for service of process or authorized to receive service of process. If such corporation is a bank, to any of the foregoing officers or agents thereof, or to a cashier or an assistant cashier thereof. If no such officer or agent of the corporation can be found within the state after diligent search, then to the Secretary of State as provided in Sections 3301 to 3304, inclusive, of the Corporations Code, unless the corporation be of a class expressly excepted from the operation of those sections.

2. If the suit is against a foreign corporation, or a nonresident joint stock company or association, doing business

in this state: in the manner provided by Sections 6500 to 6504, inclusive, of the Corporations Code.

2.1. If the suit is against an unincorporated association (not including a foreign partnership covered by Section 15700 of the Corporations Code) · if the unincorporated association has designated an agent for service of process as provided in Section 24003 of the Corporations Code, to the person so designated as agent for service of process. If no person has been designated as agent for service of process as provided in Section 24003 of the Corporations Code, or if the person so designated cannot be found at his address as specified in the index referred to in Section 24004 of the Corporations Code, then to any one or more of the association's members and by mailing a copy thereof to the association at its last known mailing address.

2.2. If the suit is against a foreign partnership covered by Section 15700 of the Corporations Code: in the manner provided by Section 15700 of the Corporations Code.

3. If the suit is against a minor, under the age of 14 years, residing within this state: to such minor, personally, and also to his father, mother, or guardian; or if there be none within this state, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed.

4. If the suit is against a person residing within this state and for whom a guardian or conservator has been appointed: to such person, and also to his guardian or conservator.

5. Except as otherwise specifically provided by statute, in an action or proceeding against a local or state public agency, to the clerk, secretary, president, presiding officer or other head thereof or of the governing body of such public agency. "Public agency" includes (1) every city, county, and city and county; (2) every public agency, authority, board, bureau, commission, corporation, district and every other political subdivision; and (3) every department and division of the state.

6. In all cases where a corporation has forfeited its charter or right to do business in this state, or has dissolved, by delivering a copy thereof to one of the persons who have become the trustees of the corporation and of its stockholders or members; or, in a proper case, as provided in Sections 3305 and 3306 of the Corporations Code.

7. If the suit is one brought against a candidate for public office and arises out of or in connection with any matter concerning his candidacy or the election laws and said candidate cannot be found within the state after diligent search, then as provided for in Section 54 of the Elections Code.

8. In all other cases to the defendant personally.

SEC. 5. Section 15700 of the Corporations Code is amended to read:

15700. **Every partnership**, other than a commercial or banking partnership established and transacting business in a

place without the United States, which is domiciled without this state and has no regular place of business within this state, shall, within 40 days from the time it commences to do business in this state, file a statement in the office of the Secretary of State in accordance with Section 24003 designating some natural person or corporation as the agent of the partnership upon whom process issued by authority of or under any law of this state directed against the partnership may be served. A copy of such designation, duly certified by the Secretary of State, is sufficient evidence of such appointment.

Such process may be served in the manner provided in subdivision (e) of Section 24003 on the person so designated, or, in the event that no such person has been designated, or the person designated cannot be found at the address as specified in the index referred to in Section 24004, then service may be made by personal delivery to the Secretary of State, Assistant Secretary of State or a deputy secretary of state of the process, together with a written statement signed by the party to the action seeking such service, or by his attorney, setting forth the last-known address of the partnership and a service fee of five dollars ($5). The Secretary of State shall forthwith give notice of such service to the partnership by forwarding the process to it by registered mail, return receipt requested, at the address given in the written statement.

Service on the person designated, or personal delivery of the process and statement of address together with a service fee of five dollars ($5) to the Secretary of State, Assistant Secretary of State or a deputy secretary of state, pursuant to this section is a valid service on the partnership. The partnership so served shall appear within 30 days after service on the person designated or within 30 days after delivery of the process to the Secretary of State, Assistant Secretary of State or a deputy secretary of state.

SEC. 6. Part 4 (commencing with Section 24000) is added to Title 3 of the Corporations Code, to read:

PART 4. LIABILITY; LEVIES AGAINST PROPERTY; DESIGNATION OF AGENT FOR SERVICE AND OF PRINCIPAL OFFICE

24000. (a) As used in this part, "unincorporated association" means any partnership or other unincorporated organization of two or more persons, whether organized for profit or not, but does not include a government or governmental subdivision or agency.

(b) As used in this section, "person" includes a natural person, corporation, partnership or any other unincorporated organization, and a government or governmental subdivision or agency.

24001. (a) Except as otherwise provided by statute, an unincorporated association is liable to a person who is not a member of the association for an act or omission of the association,

and for the act or omission of its officer, agent, or employee acting within the scope of his office, agency, or employment, to the same extent as if the association were a natural person.

(b) Nothing in this section in any way affects the rules of law which determine the liability between an association and a member of the association.

24002. Only the property of an unincorporated association may be levied upon under a writ of execution issued to enforce a judgment against the association.

24003. (a) An unincorporated association may file with the Secretary of State on a form prescribed by him a statement containing either of the following:

(1) A statement designating the location and complete address of the association's principal office in this state. Only one such place may be designated.

(2) A statement (i) designating the location and complete address of the association's principal office in this state in accordance with paragraph (1) or, if the association does not have an office in this state, designating the complete address of the association to which the Secretary of State shall send any notices required to be sent to the association under Sections 24005 and 24006, and (ii) designating as agent of the association for service of process any natural person residing in this state or any corporation which has complied with Section 3301.5 or Section 6403.5 and whose capacity to act as such agent has not terminated.

(b) If a natural person is designated as agent for service of process, the statement shall set forth his complete business or residence address. If a corporate agent is designated, the statement shall set forth the state or place under the laws of which such agent was incorporated and the name of the city, town, or village wherein it has the office at which the association designating it as such agent may be served, as set forth in the certificate filed by such corporate agent pursuant to Section 3301.5, 3301.6, 6403.5, or 6403.6.

(c) Presentation for filing of a statement and one copy, tender of the filing fee, and acceptance of the statement by the office of the Secretary of State constitutes filing under this section. The Secretary of State shall note upon the copy of the statement the file number and the date of filing the original and deliver or send the copy to the unincorporated association filing the statement.

(d) At any time, an unincorporated association that has filed a statement under this section may file a new statement superseding the last previously filed statement. If the new statement does not designate an agent for service of process, the filing of the new statement shall be deemed to revoke the designation of an agent previously designated. A statement filed under this section expires five years from December 31 following the date it was filed in the office of the Secretary of State, unless previously superseded by the filing of a new statement.

(e) Delivery by hand of a copy of any process against the unincorporated association (1) to any natural person designated by it as agent, or (2) if the association has designated a corporate agent, at the office of such corporate agent, in the city, town, or village named in the statement filed by the association under this section to any person at such office named in the certificate of such corporate agent filed pursuant to Section 3301.5 or 6403.5 if such certificate has not been superseded, or otherwise to any person at such office named in the last certificate filed pursuant to Section 3301.6 or 6403.6, constitutes valid service on the association.

(f) For filing a statement as provided in this section, the Secretary of State shall charge and collect the fee prescribed in Government Code Section 12185 for filing a designation of agent.

24004. (a) The Secretary of State shall mark each statement filed under Section 24003 with a consecutive file number and the date of filing. He may destroy or otherwise dispose of any such statement four years after the statement expires. In lieu of retaining the original statement, the Secretary of State may retain a copy thereof in accordance with Government Code Section 14756.

(b) The Secretary of State shall index each statement filed under Section 24003 according to the name of the unincorporated association as set out in the statement and shall enter in the index the file number and the address of the association as set out in the statement and, if an agent for service of process is designated in the statement, the name of the agent and his address.

(c) Upon request of any person, the Secretary of State shall issue his certificate showing whether, according to his records, there is on file in his office, on the date and hour stated therein, any presently effective statement filed under Section 24003 for an unincorporated association using a specific name designated by the person making the request. If such a statement is on file, the certificate shall include the information required by subdivision (b) to be included in the index. The fee for such a certificate is two dollars ($2).

(d) When a statement has expired under subdivision (d) of Section 24003, the Secretary of State shall enter that fact in the index together with the date of such expiration.

(e) Four years after a statement has expired, the Secretary of State may delete the information concerning that statement from the index.

24005. (a) An agent designated by an unincorporated association for the service of process may file with the Secretary of State a written statement of resignation as such agent which shall be signed and execution thereof shall be duly acknowledged by the agent. Thereupon the authority of the agent to act in such capacity shall cease and the Secretary of State forthwith shall give written notice of the filing of the statement by mail to the unincorporated association at its address as set out in the statement filed by the association.

(b) Any unincorporated association may at any time file with the Secretary of State a revocation of a designation of an agent for service of process. The revocation is effective when filed.

(c) Notwithstanding subdivisions (a) and (b), service made on an agent designated by an unincorporated association for service of process in the manner provided in subdivision (e) of Section 24003 is effective if made within 30 days after the statement of resignation or the revocation is filed in the office of the Secretary of State.

24006. Between the first day of October and the first day of December immediately preceding the expiration date of a statement filed under Section 24003, the Secretary of State shall send by first class mail a notice, indicating the date on which the statement will expire and the file number assigned to the statement, to the unincorporated association at its address as set out in the statement. Neither the failure of the Secretary of State to mail the notice as provided in this section nor the failure of the notice to reach the unincorporated association shall continue the statement in effect after the date of its expiration. Neither the state nor any officer or employee of the state is liable for damages for failure to mail the notice as required by this section.

SEC. 7. A statement may be presented to the Secretary of State for filing at any time after the effective date of this act but the Secretary of State is not required to file such statement prior to January 1, 1968, and no such statement is effective until January 1, 1968.

CHAPTER 1325

An act to amend Section 22753 of, and to add Section 22757.5 to, the Education Code, relating to junior college participation in federal aid programs.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 22753 of the Education Code is amended to read:

22753. The Trustees of the California State Colleges on behalf of any state college, the Regents of the University of California on behalf of the university, and the Board of Governors of the State Nautical School on behalf of the State Nautical School, are vested with all necessary power and authority to perform all acts necessary to receive the benefits and to expend the funds provided by said act of Congress and with all necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof, and with the Co-ordinating Council for Higher Educa-

tion for the purpose of receiving the benefits and expending the funds provided by said act of Congress, in accordance with said act, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the Co-ordinating Council for Higher Education adopted in accordance with said act of Congress. Whenever necessary to secure the full benefits of said act of Congress for loans or grants for academic facilities, such trustees, regents, or board of governors may give such security as may be required and may comply with such conditions as may be imposed by the federal government.

SEC. 2. Section 22757.5 is added to the Education Code, to read:

22757.5. The State Board of Education is vested with all necessary power and authority to perform all acts necessary to authorize governing boards of districts maintaining junior colleges to receive the benefits and to expend the funds provided by any acts of Congress under which districts maintaining junior colleges may be eligible to receive benefits, including, but not limited to, Title VII of the Housing Act of 1961 (Pub. Law 87-70), as amended, and any of the acts of Congress referred to in this chapter. The board is vested with all necessary power and authority to authorize districts maintaining junior colleges to cooperate with the government of the United States, or any agency or agencies thereof, for the purpose of receiving the benefits and expending the funds provided by said acts of Congress, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the Co-ordinating Council for Higher Education adopted in accordance with any of said acts of Congress under which the Co-ordinating Council for Higher Education is designated in this chapter as the state educational agency. Whenever necessary to secure the full benefits of said acts of Congress, the governing board may give such security as may be required and may comply with such conditions as may be imposed by the federal government. The funds received by the district under the provisions of said acts of Congress shall be deposited in the county treasury as provided for in Section 17152.

This section shall be applicable to only those acts of Congress which have been enacted prior to January 1, 1967.

CHAPTER 1326

An act to add Section 337.1 to the Code of Civil Procedure, relating to the statute of limitations.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 337.1 is added to the Code of Civil Procedure, to read:

337.1. (a) Except as otherwise provided in this section, no action shall be brought to recover damages from any person performing or furnishing the design, specifications, surveying, planning, supervision or observation of construction or construction of an improvement to real property more than four years after the substantial completion of such improvement for any of the following:

(1) Any patent deficiency in the design, specifications, surveying, planning, supervision or observation of construction or construction of an improvement to, or survey of, real property;

(2) Injury to property, real or personal, arising out of any such patent deficiency; or

(3) Injury to the person or for wrongful death arising out of any such patent deficiency.

(b) If, by reason of such patent deficiency, an injury to property or the person or an injury causing wrongful death occurs during the fourth year after such substantial completion, an action in tort to recover damages for such an injury or wrongful death may be brought within one year after the date on which such injury occurred, irrespective of the date of death, but in no event may such an action be brought more than five years after the substantial completion of construction of such improvement.

(c) Nothing in this section shall be construed as extending the period prescribed by the laws of this state for the bringing of any action.

(d) The limitation prescribed by this section shall not be asserted by way of defense by any person in actual possession or the control, as owner, tenant or otherwise, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury or death for which it is proposed to bring an action.

(e) As used in this section, "patent deficiency" means a deficiency which is apparent by reasonable inspection.

(f) Subdivisions (a) and (b) shall not apply to any owner-occupied single-unit residence.

CHAPTER 1327

An act to add Sections 2782, 2782.5, 2783, and 2784 to the Civil Code, relating to indemnity contracts.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 2782 is added to the Civil Code, to read:

2782. All provisions, clauses, covenants, or agreements contained in, collateral to, or affecting any construction contract

and which purport to indemnify the promisee against liability for damages for (a) death or bodily injury to persons, (b) injury to property, (c) design defects or (d) any other loss, damage or expense arising under either (a), (b), or (c) from the sole negligence or willful misconduct of the promisee or the promisee's agents, servants or independent contractors who are directly responsible to such promisee, are against public policy and are void and unenforceable; provided, however, that this provision shall not affect the validity of any insurance contract, workmen's compensation or agreement issued by an admitted insurer as defined by the Insurance Code.

SEC. 2. Section 2782.5 is added to the Civil Code, to read:

2782.5. Nothing contained in Section 2782 shall prevent a party to a construction contract and the owner or other party for whose account the construction contract is being performed, from agreeing with respect to the allocation or limitation as between the parties of any liability for design defects.

SEC. 3. Section 2783 is added to the Civil Code, to read:

2783. As used in Sections 2782 and 2782.5, "construction contract" is defined as any agreement or understanding, written or oral, respecting the construction, surveying, design, specifications, alteration, repair, improvement, maintenance, removal of or demolition of any building, highway, road, parking facility, bridge, railroad, airport, pier or dock, excavation or other structure, development or other improvement to real or personal property, or an agreement to perform any portion thereof or any act collateral thereto, or to perform any service reasonably related thereto, including, but not limited to, the erection of all structures or performance of work in connection therewith, the rental of all equipment, all incidental transportation, crane and rigging service and other goods and services furnished in connection therewith.

SEC. 4. Section 2784 is added to the Civil Code, to read:

2784. As used in Sections 2782 and 2782.5, a "design defect" is defined as a condition arising out of its design which renders a structure, item of equipment or machinery or any other similar object, movable or immovable, when constructed substantially in accordance with its design, inherently unfit, either wholly or in part, for its intended use or which impairs or renders the use of such structure, equipment, machinery or property dangerous.

CHAPTER 1328

An act to amend Section 989 of the Streets and Highways Code, relating to city streets.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 989 of the Streets and Highways Code is amended to read:

989. Except as otherwise specifically provided in this code upon the incorporation of a city or upon the annexation of territory to a city, all right, title and interest of the county, including the underlying fee where owned by the county, in and to any county highway within the territory involved, shall vest in the city and shall thereupon constitute a city street.

All right, title and interest of a county in and to any county highway included within territory heretofore incorporated as a city or annexed to a city is hereby determined to have vested in such city as a city street. For the purpose of this section, "county highway" shall have the meaning ascribed to that term by Section 960.5.

CHAPTER 1329

An act to add Section 7026.4 to the Business and Professions Code, relating to contractors.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 7026.4 is added to the Business and Professions Code, to read:

7026.4. The term contractor includes any person, except a nurseryman or gardener, who is employed as an independent contractor, by any person licensed under this chapter, to remove trees, prune trees, remove tree limbs or stumps, or to engage in tree or limb guying.

The term contractor does not include any person, including but not limited to, a nurseryman or gardener, who is employed by an owner or occupier of any property to perform the activities described by this section, either as an independent contractor or as an employee. Nor does it include an owner or occupier of property, or an employee of an owner or occupier of property, who engages in the activities described by this section.

CHAPTER 1330

An act to amend Section 10086 of, and to add Section 10081.5 to the Business and Professions Code, relating to real estate.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 10081.5 is added to the Business and Professions Code, to read:

10081.5. Whenever the commissioner believes from evidence satisfactory to him that any real estate licensee has violated or

is about to violate, the provisions of Section 10145 of this code, he may bring an action in the name of the people of the State of California, in the superior court of the State of California, to enjoin such licensee from continuing such violation or engaging therein or doing any act or acts in furtherance thereof.

In the event the commissioner has conducted an audit which reflects commingling or conversion of trust funds in excess of ten thousand dollars ($10,000), the court may enter an order restraining the licensee from doing any act or acts in furtherance thereof, and from further exercising the priveleges of his license pending further order of the court; provided that a hearing shall be held on such order within five days after the date thereof.

After such hearing in the manner provided by law, an order may be entered appointing a receiver, or such other order as the court may deem proper.

SEC. 2. Section 10086 of the Business and Professions Code is amended to read:

10086. No person shall engage in any activity after receiving an order in writing from the commissioner directing him to desist and refrain from so doing, and stating that, in the opinion of the commissioner, such activity violates a provision of this part, other than a provision of Article 8 (commencing with Section 10249) of Chapter 3 to which the provisions of Section 11019 of this code apply.

If, after such an order is made, respondent within thirty (30) days files a verified written request for a hearing wherein the respondent alleges that the commissioner's order precludes him from further engaging in a substantial proportion of his business as a real estate licensee, the commissioner shall, within ten (10) days thereafter, bring an action in the name of the people of the State of California in the superior court of the state for the county in which the activity is occurring against the person to whom such order was given to enjoin such person from continuing such activity or engaging therein or doing any act in furtherance thereof pending the completion of hearings as prescribed by Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. The commissioner's order to desist and refrain shall be rescinded upon the entering of a decision by the court as provided in this section or upon the failure of the commissioner to bring an action within the time permitted by this section.

After such an order is made respondent may within thirty (30) days file a verified request for a hearing wherein the respondent does not allege that the commissioner's order precludes him from further engaging in a substantial proportion of his business as a real estate licensee. The commissioner shall hold a hearing within fifteen (15) days thereafter unless the

party requesting the hearing shall have requested a postponement. If, after request for a hearing, the commissioner does not hold a hearing within the fifteen (15) days or does not render a decision within forty-five (45) days after submission of the matter, the order is rescinded.

CHAPTER 1331

An act to amend Section 554 of the Streets and Highways Code, relating to state highways.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 554 of the Streets and Highways Code is amended to read:

554. Route 254 is the Avenue of the Giants, comprising a portion of the former Redwood Highway through and connecting a number of state parks, from Route 101 near the Sylvandale interchange to Route 101 one-tenth of a mile north of Jordan Creek.

CHAPTER 1332

An act to add Part 6.7 (commencing with Section 11901) to Division 2 of the Revenue and Taxation Code, relating to a real property transfer tax.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Part 6.7 (commencing with Section 11901) is added to Division 2 of the Revenue and Taxation Code, to read:

PART 6 7. DOCUMENTARY STAMP ACT

11901. This act is known and may be cited as the "Documentary Stamp Act."

11902. "Board" means the State Board of Equalization.

11903. "County" shall include a city and county.

11904. "Recorder" means the recorder of a county.

CHAPTER 2. AUTHORIZATION FOR TAX

11911. (a) The board of supervisors of any county or city and county, by an ordinance adopted pursuant to this part, may impose, on each deed, instrument, or writing by which any lands, tenements, or other realty sold within the county shall

be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrance remaining thereon at the time of sale) exceeds one hundred dollars ($100) a tax at the rate of fifty-five cents ($0.55) for each five hundred dollars ($500) or fractional part thereof.

(b) The legislative body of any city which is within a county which has imposed a tax pursuant to subdivision (a) may, by an ordinance adopted pursuant to this part, impose, on each deed, instrument, or writing by which any lands, tenements, or other realty sold within the city shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrance remaining thereon at the time of sale) exceeds one hundred dollars ($100), a tax at the rate of one-half the amount specified in subdivision (a) for each five hundred dollars ($500) or fractional part thereof.

(c) A credit shall be allowed against the tax imposed by a county ordinance pursuant to subdivision (a) for the amount of any tax due to any city by reason of an ordinance adopted pursuant to subdivision (b). No credit shall be allowed against any county tax for a city tax which is not in conformity with this part.

11912. Any tax imposed pursuant to Section 11911 shall be paid by any person who makes, signs or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued.

CHAPTER 3. EXEMPTIONS

11921. Any tax imposed pursuant to this part shall not apply to any instrument in writing given to secure a debt.

11922. The United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, or the District of Columbia shall not be liable for any tax imposed pursuant to this part with respect to any deed, instrument, or writing to which it is a party, but the tax may be collected by assessment from any other party liable therefor.

11923. Any tax imposed pursuant to this part shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment—

(a) Confirmed under the Federal Bankruptcy Act, as amended;

(b) Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title 11 of the United States Code, as amended;

(c) Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of

Section 506 of Title 11 of the United States Code, as amended; or

(d) Whereby a mere change in identity, form or place of organization is effected.

Subdivisions (a) to (d), inclusive, of this section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five years from the date of such confirmation, approval or change.

11924. Any tax imposed pursuant to this part shall not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if—

(a) The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;

(b) Such order specifies the property which is ordered to be conveyed;

(c) Such conveyance is made in obedience to such order.

11925. (a) In the case of any realty held by a partnership, no levy shall be imposed pursuant to this part by reason of any transfer of an interest in a partnership or otherwise, if—

(1) Such partnership (or another partnership) is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and

(2) Such continuing partnership continues to hold the realty concerned.

(b) If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this part, such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of such termination.

(c) Not more than one tax shall be imposed pursuant to this part by a county, city and county or city by reason of a termination described in subdivision (b), and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination.

CHAPTER 4. ADMINISTRATION

11931. The State Board of Equalization shall furnish, upon the request of any recorder, adhesive stamps in suitable denominations to be affixed to the deeds, instruments and writings subject to tax pursuant to this part. The board shall sell such stamps to county recorders at the actual cost to the board of printing and distributing the stamps. The board shall not furnish stamps to any county or city and county which does not impose a real property transfer tax in conformity with the provisions of this part.

11932. If the legislative body of any city imposes a tax pursuant to subdivision (b) of Section 11911 equal to one-half the amount specified in subdivision (a) of Section 11911, the county in which such city is located shall grant a credit against the county tax in the amount of the city tax if the city's tax conforms to this part. The county shall collect all taxes imposed pursuant to this part and the county auditor shall allocate the proceeds as follows:

(1) All money which relates to transfers of real property located in unincorporated areas of the county or in a city and county shall be allocated to the county or city and county, as the case may be.

(2) All money which relates to transfers of real property located in a city which imposes a tax on transfers of real property pursuant to this part shall be allocated one-half to such city and one-half to the county.

(3) All money which relates to transfers of real property located in a city which imposes a tax on transfers of real property not in conformity with this part shall not be credited against the county tax and the entire amount collected by the county shall be allocated entirely to the county.

(4) All money which relates to transfers of real property in a city which does not impose a tax on transfers of real property shall be allocated entirely to the county.

11933. If a county has imposed a tax pursuant to this part, the county recorder shall sell the stamps at their denominated values, and shall report no information to the State Board of Equalization with respect to sales of stamps.

11934. If a county has imposed a tax pursuant to this part, the recorder shall not record any deed, instrument or writing subject to the tax imposed pursuant to this part, unless the stamps described in Section 11931 are affixed thereto. If the party submitting the document for recordation so requests, the stamps shall be affixed to the document by the recorder after the permanent record is made and before the original is returned as specified in Section 27321 of the Government Code. However, the failure to affix any such stamp shall not affect the constructive notice otherwise imparted by recording such deed, instrument or writing.

11935. Claims for refunds of taxes imposed pursuant to this part shall be governed by the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of this code.

SEC. 2. No city or county shall directly or indirectly impose a tax on transfers of real property which is not in conformity with this part. As used in this section, "city" does not include a chartered city and "county" does not include a city and county.

SEC. 3. The provisions of this act shall be operative on and after 12:01 a.m. on January 1, 1968.

SEC. 4. Notwithstanding the provisions of Section 3, if the Congress of the United States provides for a tax on

transfers of real property on or before January 1, 1968, this act shall have no operative effect. If the Congress of the United States imposes a tax on transfers of real property after January 1, 1968, this act shall have no operative effect on and after the first day of the fiscal year which follows the date such federal tax is imposed.

CHAPTER 1333

An act to amend Section 9260 of the Vehicle Code, relating to foreign commercial vehicle permits.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 9260 of the Vehicle Code is amended to read:

9260. (a) The fee for a temporary registration issued under Section 4004 is one-quarter of the annual fees in Division 3 (commencing with Section 4000) of this code and Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code, for the period that the vehicle is to be operated in this state.

(b) The fee for a trip permit issued under Section 4004 is five dollars ($5) for each vehicle.

(c) A fee of five dollars ($5) shall be paid for each reciprocity permit issued under Section 8008.

CHAPTER 1334

An act to amend Section 19559.5 of the Education Code, relating to school property.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 19559.5 of the Education Code is amended to read:

19559.5. The board shall prescribe instructions specifying the manner in which property, real or personal, being replaced through the apportionment, shall be disposed of, and compliance with the instructions shall be a condition upon the making of the apportionment. The net proceeds derived from such a disposition shall be contributed in reduction of any apportionment. Any school district affected shall comply with instructions prescribed by the board. The board may require a district to transfer to the state, by any instruments deemed appropri-

ate by the board, title to any such property, whereupon, the board shall dispose of the property in any manner it deems appropriate to insure the highest return to the state, and apply the proceeds therefrom in reduction of apportionments to the district. The district affected shall do all things deemed necessary by the board to implement such disposition. Whenever the board determines it to be in the best interests of the state, an apportionment may be made for the demolition of any facilities replaced through an apportionment. The provisions of this section shall be applicable to property replaced by apportionments heretofore or hereafter made under this chapter or under Chapter 8 of Division 14 of this code.

CHAPTER 1335

An act to amend Section 484 of the Penal Code, relating to theft by fraud.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 484 of the Penal Code is amended to read:

484. (a) Every person who shall feloniously steal, take, carry, lead, or drive away the personal property of another, or who shall fraudulently appropriate property which has been entrusted to him, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or real or personal property, or who causes or procures others to report falsely of his wealth or mercantile character and by thus imposing upon any person, obtains credit and thereby fraudulently gets or obtains possession of money, or property or obtains the labor or service of another, is guilty of theft. In determining the value of the property obtained, for the purposes of this section, the reasonable and fair market value shall be the test, and in determining the value of services received the contract price shall be the test. If there be no contract price, the reasonable and going wage for the service rendered shall govern. For the purposes of this section, any false or fraudulent representation or pretense made shall be treated as continuing, so as to cover any money, property or service received as a result thereof, and the complaint, information or indictment may charge that the crime was committed on any date during the particular period in question. The hiring of any additional employee or employees without advising each of them of every labor claim due and unpaid and every judgment that the employer has been unable to meet shall be prima facie evidence of intent to defraud.

(b) Except as provided in Section 10855 of the Vehicle Code, intent to commit theft by fraud is presumed if one who has leased or rented the personal property of another pursuant to a written contract fails to return the personal property to its owner within 20 days after the owner has made written demand by certified or registered mail following the expiration of the lease or rental agreement for return of the property so leased or rented, or if one presents to the owner identification which bears a false or fictitious name or address for the purpose of obtaining the lease or rental agreement.

(c) The presumptions created by subdivision (b) are presumptions affecting the burden of producing evidence.

(d) Within 30 days after the lease or rental agreement has expired, the owner shall make written demand for return of the property so leased or rented. Notice addressed and mailed to the lessee or renter at the address given at the time of the making of the lease or rental agreement and to any other known address shall constitute proper demand. Where the owner fails to make such written demand the presumption created by subdivision (b) shall not apply.

CHAPTER 1336

An act to add Section 10191 to the Insurance Code, relating to the business of insurance.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 10191 is added to the Insurance Code, to read:

10191. (a) The commissioner may, from time to time as conditions warrant, after notice and hearing, promulgate such reasonable rules and regulations, and amendments and additions thereto, as are necessary or advisable, to establish and maintain a procedure for the filing and approval of documents, as defined in this section, prior to their issuance, delivery, or use in this state, in lieu of the requirements of submission, filing, or approval for such documents presently provided in any of the following sections: Sections 10205, 10205.5, 10205.6, 10225, 10270, 10270.1, 10270.57, 10270.9, 10270.91, 10270.92, 10270.93, 10290, 10292, 11066, 11069, 11513, 11513.1, 11513.2, 11515, and 11658. The term "document," as used in this section, includes, but is not limited to, every form of contract, insurance policy, application, rider, endorsement, amendment, insert policy page, certificate or other evidence or notice of insurance, fill-in material, schedules of rates and classifications of risks, and any modification to any document, which is subject to the requirements of any of the enumerated sections.

(b) Any such rule or regulation shall be promulgated in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) In promulgating any such rule or regulation, the commissioner may give consideration to the following circumstances:

(1) Whether all such documents, the submission, filing or approval of which is governed by any of the foregoing enumerated sections, or only a portion thereof described in such rule or regulation shall be subject thereto.

(2) Whether certain documents or portions thereof should be regulated in respect of submission, filing or approval in a fashion differing from similar requirements applicable to other documents.

(3) Whether varying procedures may be made applicable among admitted insurers in respect of such submission, filing or approval predicated, in whole or in part, upon such factors as the age and size of the submitting insurer, the period of its licensing in this state for the class or classes of insurance represented by such documents, nature and number of prior submissions of similar documents and the disposition thereof by the commissioner, and similar criteria which is relevant to a determination that the submitting insurer has demonstrated compliance with all applicable statutes, rules and regulations relating to documents comprising prior submissions.

(d) In promulgating any such rules and regulations the commissioner shall, so far as practical, describe or define certain provisions: (1) which he will authorize without review when accompanied by a certification prescribed by him by rule, and (2) which he will under no circumstances approve.

(e) The commissioner shall establish a period of time, not shorter than one year, during which any change in the provisions which pursuant to subdivision (d), he has provided he will under no circumstances approve, will not apply to policies filed prior to the effective date of such change.

(f) Except as otherwise provided in this section any document approved by the commissioner pursuant to rules and regulations authorized by this section may have its approval withdrawn in accordance with the provisions of subdivision (d) of Section 10291.5 or Section 12957, whichever is applicable.

CHAPTER 1337

An act to repeal Section 12923 of the Insurance Code, relating to questions submitted to the Attorney General.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 12923 of the Insurance Code is repealed.

CHAPTER 1338

An act to amend Sections 7666, 7669, 7670, 7725, 7725.2, 7725.3, 7725.4 and 7729 of, to add Sections 7622.5, 7664, 7666.5, and 7740.5 to, and to repeal Section 7725.1 of, the Business and Professions Code, relating to funeral directors and embalmers.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 7622.5 is added to the Business and Professions Code, to read:

7622.5. An applicant for examination under Section 7622 shall pay the funeral director's examination fee fixed by this chapter.

SEC. 2. Section 7664 is added to the Business and Professions Code, to read:

7664. Certificates of apprenticeship issued pursuant to this article shall expire when the holder has been issued a license as an embalmer, or five years from the date of registration, whichever first occurs. Such certificates may not be renewed, but an apprentice embalmer who has not completed his term of apprenticeship at the time his certificate expires may apply for reregistration upon compliance with Section 7661. The board may, when the circumstances warrant, allow an apprentice credit under a reregistration for the time actually served under a previous registration, but no reregistration shall have the effect of continuing the term of apprenticeship beyond the period specified in Sections 7666 and 7666.5.

SEC. 3. Section 7666 of the Business and Professions Code is amended to read:

7666. (a) The term of apprenticeship shall be two years except as provided in Section 7643 of this code; provided, however, that if an apprentice after having served his apprenticeship fails to pass the examination for an embalmer's license he may continue for one additional term of apprenticeship, which shall be the maximum apprenticeship permitted and provided further that an apprentice may, upon filing an application therefor, be permitted to continue such apprenticeship for a period not to exceed six months, if approved, for any of the following reasons:

(1) While awaiting the processing of applications submitted to the board.

(2) While awaiting notification of grades of embalmers' examinations given by the board.

(3) While awaiting the commencement of a class of an embalming school or college when such apprentice intends to enroll in such school or college.

Applications filed for an extension of apprenticeship shall be filed by the applicant with the Sacramento office of the board not less than 15 days prior to the date the applicant requests such extension to commence.

(b) Terms of apprenticeship may be served before, after, or divided by the embalming college course at the option of the apprentice; provided, however, that the term of apprenticeship must be completed, excluding time spent in active military service, within five (5) years from the date of original registration, or from the date an apprentice successfully passes the examination for embalmer's license required in Section 7646 of this code, whichever first occurs, and provided further that if the term of apprenticeship is not completed within such five (5) year period, the board may require that the applicant serve such additional term of apprenticeship, not to exceed two (2) years, and pass such additional examination on the subjects listed in Section 7646 of this code as the board considers necessary.

(c) A student attending an embalming college may register as an apprentice during his college term but shall receive no credit for such apprenticeship on the term required by this code.

(d) An apprentice while serving his required term of apprenticeship shall be a full-time employee in the funeral establishment wherein he is employed.

SEC. 4. Section 7666.5 is added to the Business and Professions Code, to read:

7666.5. The term of apprenticeship of a person who holds a valid certificate as an apprentice on the date the amendments made to this article by the Legislature at its 1967 Regular Session become effective or who on such date has a right of reregistration under this article shall continue to be governed by the law in effect at the time such amendments become effective.

SEC. 5. Section 7669 of the Business and Professsions Code is amended to read:

7669. An apprentice who has had his certificate of apprenticeship suspended or revoked may, within one year after such suspension or revocation apply for reregistration upon compliance with the law in effect at the time he so applies and paying the apprentice application fee fixed by this chapter. No reregistration shall have the effect of continuing an apprenticeship beyond the period specified in Section 7666.

The board may, when the circumstances warrant, allow an apprentice credit under a reregistration for the time actually served under a previous registration, but if the previous registration has been suspended or revoked for unprofessional conduct, not more than 75 percent of the time previously served shall be credited on the reregistration.

SEC. 6. Section 7670 of the Business and Professions Code is amended to read:

7670. The apprenticeship required by this article must be served in a funeral establishment which shall have been previously approved for apprenticeship training by the board. In order to qualify for such approval the funeral director desiring same must submit to the board an application, accompanied by the fee fixed by this chapter, showing:

(a) That not less than 50 human dead bodies per apprentice employed have been prepared for burial or other disposition in such establishment during the 12 months immediately preceding the date of such application;

(b) That the applicant has, and will continue to have, in full-time employment, for each two apprentices employed in his establishment, a California embalmer who has had not less than two years' practical experience as a California licensed embalmer immediately preceding the date of such application;

(c) That the funeral establishment of such applicant meets the requirements of law as to equipment, cleanliness and sanitation as determined by an inspection report filed with the board.

Approval granted under this section shall be renewed annually upon application by the funeral director, showing continued compliance with the foregoing provisions of this section, filed with the board not later than January 15th of each year, which application shall be acted upon by the board at its first meeting thereafter. An application for renewal shall be accompanied by the fee fixed by this chapter.

SEC. 7. Section 7725 of the Business and Professions Code is amended to read:

7725. Licenses issued under this chapter shall expire at 12 p.m. on January 31, 1969, and thereafter at 12 p.m. on January 31 of each year, if not in each instance renewed. To renew an unexpired license, the holder thereof shall on or before the date on which it would otherwise expire, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

On or before the 10th day of December of each year, commencing in 1968 the board shall mail to each licensed funeral director and each licensed embalmer, addressed to him at his last known address, a notice that a renewal fee is due and payable.

SEC. 8. Section 7725.1 of the Business and Professions Code is repealed.

SEC. 9. Section 7725.2 of the Business and Professions Code is amended to read:

7725.2. Except as otherwise provided in this article, a license which has expired may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is not renewed within 30 days after its expiration the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter.

Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 7725 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

If a license is not renewed within one year following its expiration, the board may require as a condition of renewal that the holder of the license pass an examination on the appropriate subjects provided by this chapter.

SEC. 10. Section 7725.3 of the Business and Professions Code is amended to read:

7725.3. A suspended license is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the holder of the license, while it remains suspended and until it is reinstated, to engage in the activity to which the license relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

SEC. 11. Section 7725.4 of the Business and Professions Code is amended to read:

7725.4. A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the holder of the license, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated plus the delinquency fee, if any, accrued at the time of its revocation.

SEC. 12. Section 7729 of the Business and Professions Code is amended to read:

7729. The amount of the fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for a funeral director's license is one hundred dollars ($100).

(b) The application fee for change of location is twenty dollars ($20).

(c) The application fee for permission to assign a funeral director's license is eighty-five dollars ($85).

(d) The application fee for an embalmer's license is twenty-five dollars ($25).

(e) The application fee for a certificate of registration as an apprentice is ten dollars ($10)

(f) The renewal fee payable by a licensed funeral director shall be fixed by the board at not more than eighty-five dollars ($85), nor less than thirty dollars ($30).

(g) The renewal fee payable by a licensed embalmer shall be fixed by the board at not more than twenty dollars ($20) nor less than ten dollars ($10).

(h) The delinquency fee is an amount equal to the renewal fee in effect on the last preceding regular renewal date,

(i) The application fee for permission to change the name appearing on the license is ten dollars ($10).

(j) The application fee for a duplicate funeral director's license is five dollars ($5).

(k) The application fee for a duplicate embalmer's license is five dollars ($5).

(*l*) The application fee for a duplicate certificate of registration is one dollar ($1).

(m) The application fee for a funeral director's examination is twenty-five dollars ($25).

(n) The fee for an application by a funeral director for approval to train apprentice embalmers and for renewal of such approval is five dollars ($5).

(o) The fee for filing a report on preneed trust funds is ten dollars ($10).

SEC. 13. Section 7740.5 is added to the Business and Professions Code, to read:

7740.5. A funeral director shall pay to the board the fee fixed by this chapter for filing with the board any report on preneed trust funds required by rules and regulations of the board adopted pursuant to Section 7740.

CHAPTER 1339

An act to amend Section 355 of, and to add Sections 356 and 357 to, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 355 of the Unemployment Insurance Code is amended as follows:

355. The Governor shall appoint a State Advisory Council. It shall consist of nine members composed of men and women. Each member appointed to the Advisory Council shall have a thorough knowledge of the Unemployment Insurance Code of this state and have had substantial experience other than as a state or federal employee in connection with its operation. Three members shall represent employers, three shall represent labor and three shall represent the public. Members of the council shall be appointed for terms of four years. Vacancies shall be filled by appointment by the Governor for the unexpired term. The Governor shall designate the chairman of the council from the membership of the council. The person so designated shall hold the office of chairman at the pleasure of the Governor. Members of the council shall not receive any compensation but shall be reimbursed for any necessary ex-

penses incurred by reason of the attendance at meetings of the council, in representing the council at appropriate meetings and conferences or otherwise in the work of the council.

SEC. 2. Section 356 is added to the Unemployment Insurance Code, to read:

356. The director shall, insofar as practicable, advise the council on all matters of major policies and procedures involved in or connected with the administration of this division, and he shall inform the council of the action taken in connection with such matters. The council shall consider and may advise the director upon all matters connected with the administration of this division as submitted to it by the director and may recommend upon its own initiative such changes in the administration of this division as it deems necessary. The director shall furnish to the council information in his possession as requested by the council to discharge its advisory duties hereunder. The council shall on January 31st and July 31st of each year and on such other occasions as it deems proper file a written report to the Governor embodying the activities of the council and its recommendations to the director, a copy of which reports shall be filed in the office of the Secretary of State for purposes of public inspection.

SEC. 3. Section 357 is added to the Unemployment Insurance Code, to read:

357. The council may select and nominate an executive secretary to aid the council in its functions and the director shall appoint the person so nominated who shall be exempt from civil service, removable by the council and shall receive compensation as determined by the council. Such compensation and, in addition, actual and necessary traveling expenses shall be deemed part of the expenses incurred in the administration of the Unemployment Insurance Code. Any appointment by the director of a person to the position of executive secretary provided by this section shall not be an exempt appointment to which the director is entitled under subdivision (a)(5) of Section 4, Article XXIV of the State Constitution. The director shall furnish the council and executive secretary with clerical services and with such other services as are necessary for the council to carry out its functions.

CHAPTER 1340

An act to repeal Section 3 of Chapter 618, Section 6 of Chapter 769, Section 7 of Chapter 1167, Section 7 of Chapter 1373, Section 2 of Chapter 1455, Section 2 of Chapter 1457, and Section 4 of Chapter 1967, of the Statutes of 1965, relating to the Department of Professional and Vocational Standards.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 3 of Chapter 618 of the Statutes of 1965 is repealed.

SEC. 2. Section 6 of Chapter 769 of the Statutes of 1965 is repealed.

SEC. 3. Section 7 of Chapter 1167 of the Statutes of 1965 is repealed.

SEC. 4. Section 7 of Chapter 1373 of the Statutes of 1965 is repealed.

SEC. 5. Section 2 of Chapter 1457 of the Statutes of 1965 is repealed.

SEC. 6. Section 4 of Chapter 1967 of the Statutes of 1965 is repealed.

SEC. 7. Section 2 of Chapter 1455 of the Statutes of 1965 is repealed.

CHAPTER 1341

An act to add Sections 13203.1 to the Education Code, relating to certificated school employees.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 13203.1 is added to the Education Code, to read:

13203.1. Whenever the holder of, or an applicant for the issuance of, a certification document is invited to appear at a meeting of the Committee of Credentials held to consider whether such person's application shall be denied, or to consider whether proceedings shall be initiated to suspend or revoke such person's certification document, the Committee of

Credentials shall give written notice to such person, by registered mail, no later than 30 days prior to the meeting, of the time and place of the meeting. The notice shall include a written statement setting forth in ordinary and concise language the alleged acts or omissions which constitute the bases of the Committee of Credential's inquiry, to the end that such person will be able to prepare his defense.

CHAPTER 1342

An act to amend Sections 81 and 2109 of the Streets and Highways Code, relating to state highways.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 81 of the Streets and Highways Code is amended to read:

81. Except as is provided in Section 2109, whenever there exists between the termini of, and approximately on, any route included in the state highway system a traversable highway, the commission shall adopt the same as the state highway between such termini. The commission may adopt a portion of any such road if it determines that such portion is constructed to adequate standards and if such portion is contiguous to a portion of the state highway system presently being maintained by the department. If more than one such traversable highway exists, the commission shall determine and designate which of such highways shall constitute the state highway. The traversable highways thus selected and adopted shall be state highways in all respects the same as if originally constructed or acquired by the state, subject to all laws applicable to state highways. All acts and actions of the commission and the department with respect to the taking over and maintenance of such highways heretofore taken are hereby approved and ratified.

SEC. 2. Section 2109 of said code is amended to read:

2109. State highways shall be maintained, constructed and improved out of the moneys received in the State Highway Fund under Section 2108; provided, that notwithstanding the provisions of Section 81, the department is not required to maintain any route or portion of a route added after January 1, 1947, until the same has been laid out and constructed as a state highway.

CHAPTER 1343

An act to amend Section 8401 of the Elections Code, relating to county central committee members.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 8401 of the Elections Code, is amended to read:

8401. In any city and county the county central committee of each party shall be elected by Assembly districts and shall consist of six members elected from each Assembly district in the city and county.

SEC. 2. The additional positions on a county central committee provided for in this act shall be considered to exist on the effective date of this act, and shall be filled by the committee in the same manner as other vacancies on a county central committee.

CHAPTER 1344

An act to add Section 2665.3 to the Business and Professions Code, relating to physical therapists, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 2665.3 is added to the Business and Professions Code, to read:

2665.3. Any person who met all of the requirements of Section 2668, as added by Chapter 1826 of the Statutes of 1953 and repealed by Chapter 1533 of the Statutes of 1957, and who was qualified to be licensed as a physical therapist under the provisions of that section, but who failed to apply for licensing within the one-year period prescribed in that section because of lack of knowledge or lack of notice of the licensing requirements, shall be licensed by the board without being required to take the examination prescribed by this chapter, upon filing an application on or before July 31, 1968, and signing a proper affidavit to be prescribed by the board; provided, he pays the fee specified in subdivision (a) of Section 2462.

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 such necessity are:

There is presently a shortage of qualified physical therapists and there are presently well-qualified physical therapists who failed to apply for licensing because of lack of notice or lack of knowledge of the licensing requirements and who wish to be licensed. In order that these people may be licensed immediately, it is imperative that this act take effect immediately.

CHAPTER 1345

An act to amend Section 13172 of the Education Code, relating to teacher credentials.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 13172 of the Education Code is amended to read:

13172. Except as specified in this section, a certification document may not be renewed after it has expired. An expired credential, other than a provisional credential and other than a credential issued on a postponement of requirements basis, that was valid at any time between January 1, 1959, and September 15, 1966, may be renewed if the applicant meets the law operative on December 31, 1963, and regulations in effect, on that date.

SEC. 2. Section 13172 of the Education Code is amended to read:

13172. Except as specified in this section, a certification document may not be renewed after it has expired. An expired credential, other than a provisional credential and other than a credential issued on a postponement of requirements basis, that was valid at any time between January 1, 1959, and September 15, 1967, may be renewed if the applicant meets the law operative on December 31, 1963, and regulations in effect, on that date.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1269 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 1269 takes effect; at which time Section 13172 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 1346

An act to amend Section 205 of the Revenue and Taxation Code, relating to veterans' exemptions.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 205 of the Revenue and Taxation Code is amended to read:

205. The veterans' exemption is as specified in Section 1¼ of Article XIII of the Constitution.

The following are wars under Section 1¼ of Article XIII of the Constitution:

(a) Revolutionary War, April 19, 1775–January 14, 1784.

(b) Second War With England, June 18, 1812–February 17, 1815.

(c) Black Hawk War, April 6, 1832–August 2, 1832.

(d) War With Mexico, April 24, 1846–May 30, 1848.

(e) Civil War, April 18, 1861–August 20, 1866.

(f) War With Spain, April 21, 1898–April 11, 1899.

(g) War in Philippines, April 11, 1899–July 4, 1902.

(h) Chinese Relief Expedition, June 20, 1900–May 15, 1901.

(i) Campaign against the Rogue River, Yakima, Nez Percé, and Snake Indians in Oregon and Washington, 1855–1856.

(j) Campaign against the Indians in southern Oregon and Idaho and northern California and Nevada, 1865–1868.

(k) Campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory, 1867–1869.

(*l*) Modoc War, 1872–1873.

(m) Campaign against the Apaches in Arizona, 1873.

(n) Campaign against the Kiowas, Comanches, and Cheyennes in Kansas, Colorado, Texas, Indian Territory, and New Mexico, 1874–1875.

(o) Campaign against the Northern Cheyennes and Sioux, 1876–1877.

(p) Nez Percé War, 1877.

(q) Bannock War, 1878.

(r) Campaign against the Northern Cheyennes, 1878–1879.

(s) Campaign against the Ute Indians in Colorado and Utah, September, 1879–November, 1880.

(t) Campaign against the Apache Indians in Arizona, 1885–1886.

(u) Campaign against the Sioux Indians in South Dakota, November, 1890–January, 1891.

(v) War With Germany-Austria, April 6, 1917–November 11, 1918.

(w) Campaign against the Apache Indians in Arizona, 1895–1896.

(x) World War II, December 7, 1941, to January 1, 1947.
(y) Campaign against the North Koreans and Chinese Communists in Korea, June 27, 1950, to January 31, 1955.
(z) Campaign against the Viet Cong and North Vietnamese Communists in South Vietnam, August 5, 1964, to a date to be fixed by proclamation of the Governor signifying the termination of this campaign.

The following are campaigns under Section 1¼ of Article XIII of the Constitution:

(a) First Nicaraguan campaign.
(b) Second Nicaraguan campaign.
(c) Yangtze River campaign in China.
(d) All other campaigns for service in which a medal has been issued by the Congress of the United States.

CHAPTER 1347

An act to add Section 2099 to the Education Code, relating to junior colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 2099 is added to the Education Code, to read:

2099. An agreement to the annexation of a unified district to a junior college district may include as a term or condition for such annexation the authorization and issuance of bonds of the unified district in a specified amount for the purpose of paying an equitable share of the cost of the property owned or held by the junior college district. In such event, the county superintendent of schools shall call and conduct a bond election within the unified district to be held concurrently with the election on annexation. The governing board of the unified district may request the board of supervisors to issue and sell the bonds in the name of the unified district, and may request the county superintendent of schools to transfer to the junior college district any funds derived from such sale of bonds. The county superintendent of schools shall order such transfer as requested. Any funds so transferred may, after the annexation becomes effective, be expended for purposes authorized by law, throughout the junior college district. Bonds issued pursuant to this section shall not be considered outstanding bonded indebtedness of the unified district for the purposes of Section 21703; however, such bonds shall be considered bonded indebtedness of the junior college district for the purposes of Section 21702.

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 such necessity are:

It is necessary that the act go into effect immediately since certain unified school districts which are not in junior college districts must take immediate steps to become a part of a junior college district in order for the necessary elections to be held so that the unified districts may be part of junior college districts on July 1, 1968.

CHAPTER 1348

An act to amend the heading of Article 2 (commencing with Section 6680) of Chapter 6 of Part 1 of Division 6 and Sections 6680, 6700, and 6705 of the Fish and Game Code, relating to kelp leases.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 2 (commencing with Section 6680) of Chapter 6 of Part 1 of Division 6 of the Fish and Game Code is amended to read:

Article 2. Royalties

SEC. 2. Section 6680 of the Fish and Game Code is amended to read:

6680. In addition to the license fee provided for in this chapter, every person harvesting kelp or other aquatic plants shall pay a royalty, as the commission may prescribe, of not less than five cents ($0.05) per ton of wet kelp or wet aquatic plants harvested.

Any revenues derived from such royalties shall not be available for expenditures until appropriated.

SEC. 3. Section 6700 of the Fish and Game Code is amended to read:

6700. The commission may lease to any person, for a period not exceeding 20 years, the exclusive privilege to harvest kelp in any bed or beds, or part thereof. No lessee shall have an exclusive lease to an area in excess of 25 square miles, or 50 percent of the total area of the kelp resource as shown on the maps of such resource prepared by the commission, whichever is greater.

SEC. 4. Section 6705 of the Fish and Game Code is amended to read:

6705. The payment of the sum due under any lease shall be deemed in lieu of the royalties imposed by Article 2 of this chapter.

CHAPTER 1349

An act to add Section 100.21 to the Streets and Highways Code, relating to state highways.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 100.21 is added to the Streets and Highways Code, to read:

100.21. Whenever a street or highway closing agreement is required by Section 100.2, the department shall not acquire, except by gift, and except in hardship or protective cases as determined by the department or the commission, any real property for a freeway through a city until such an agreement is first executed with the city council, or for a freeway through unincorporated territory in a county until such an agreement is first executed with the board of supervisors. The department shall give notice to the city council or the board of supervisors, as the case may be, of any acquisition of such real property prior to the execution of such an agreement.

CHAPTER 1350

An act to add Section 575 to the Streets and Highways Code, relating to state highways.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 575 is added to the Streets and Highways Code, to read:

575. Route 275 is from Route 80 near West Acres Road west of Sacramento to the junction of Capitol Avenue and Ninth Street in Sacramento.

No funds in the State Highway Fund shall be used for the construction or maintenance of any further aesthetic improvements on that portion of the route in the City of Sacramento.

CHAPTER 1351

An act to amend Sections 1703, 1706, and 2097 of, and to add Sections 1748, 1749, 2097.5, 3131.5, and 3293.1 to the Education Code, relating to school district organization.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1703 of the Education Code is amended to read:

1703. In any district which is created or whose boundaries or status is changed by an action to organize or reorganize districts, the changes shall be effective on the date the action is completed for the purposes set forth below:

(a) The determination of the assessed valuation of any district or districts affected by the action.

(b) The appointment or election of members of the governing board.

(c) The preparation and submission of the school district budgets.

(d) The election or appointment of an executive officer and other employees required to service the immediate needs of the district.

(e) The election or appointment of employees for the ensuing school year.

(f) The calling and conducting of any elections authorized by law relative to the financing of the district, including bonded indebtedness, tax rates, and state school building aid.

(g) The expenditure of funds available to the district.

(h) The exercise by the governing board of the school district of other powers and duties vested in governing boards of school districts of the same type or class and not inconsistent with other provisions of this code.

(i) The receipt and expenditure of funds transferred pursuant to Section 21054.

SEC. 2. Section 1706 of the Education Code is amended to read:

1706. Any district which is reorganized so as to become wholly absorbed into one or more other districts shall continue as a district until the reorganization becomes effective for all purposes as provided in Section 1704. The territory may be included, however, in plans and recommendations for further reorganization. Such reorganized districts shall not call or conduct elections for the authorization to incur bonded indebtedness, or for the authorization to accept and expend apportionments pursuant to state school building aid laws, or to increase or continue the existing maximum tax rate, or enter into agreements or incur obligations that would extend beyond the date upon which the reorganization would become effective for all purposes without first having obtained the prior ap-

proval of the governing board of the district formed pursuant to such reorganization. Thereafter the wholly absorbed district shall cease to exist except insofar as specific provisions are made in this code for former districts.

SEC. 3. Section 1748 is added to the Education Code, to read:

1748. Any change in district organization made pursuant to provisions of this code other than Chapters 9 (commencing with Section 3001) or 10 (commencing with Section 3100) of Division 5, shall have no effect upon master plans for the school district organization of a county unless such master plans are amended to reflect such changes. Amendments to the master plan shall be made in accordance with the procedure provided in Chapter 10.

SEC. 4. Section 1749 is added to the Education Code, to read:

1749. Prior to the date upon which a newly organized or reorganized district becomes effective for all purposes the county committee may include all or part of the territory in plans and recommendations for further reorganization.

SEC. 5. Section 2097 of the Education Code is amended to read:

2097. The agreement to the annexation shall be signed by a majority of the members of the governing board of the district to which annexation is proposed and of the governing board of the district of which the transferring district is a component.

SEC. 6. Section 2097.5 is added to the Education Code, to read:

2097.5. Terms and conditions for the annexation may be agreed upon by the governing board of the district seeking annexation and the governing board of the district to which annexation is sought. Such terms and conditions shall be signed by a majority of the members of governing boards agreeing thereto.

SEC. 7. Section 3131.5 is added to the Education Code, to read:

3131.5. In order to establish a system of unified districts throughout the state it is the intent of the Legislature that plans and recommendations for the establishment of unified districts proposed under provisions of Chapters 9 (commencing with Section 3001) and 10 (commencing with Section 3100) of this division, approved by the State Board of Education, and by the electors, shall supersede any organization or reorganization accomplished under other provisions of this code.

SEC. 8. Section 3293.1 is added to the Education Code, to read:

3293.1. Proposals of the county committee on school district organization or proposals of the State Department of Education made pursuant to Article 6.5 (commencing with Section 3321) of Chapter 10 of this division, approved at an election held under provisions of this chapter or Chapter 9 (commencing with Section 3001) of this division, shall supersede any previous actions to organize or reorganize the districts of the territory.

CHAPTER 1352

An act to amend Sections 20026, 20034, 20130, 20131 and 20601 of, to add Sections 20026.1 and 20026.2 to, and to repeal Section 20132 of the Government Code, relating to state employees' retirement.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 20026 of the Government Code is amended to read.

20026. "Regular interest" means interest at the annual interest rate fixed by the board for purposes of crediting of interest, compounded annually.

SEC. 2. Section 20034 of the Government Code is amended to read:

20034. "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the mortality tables adopted and the actuarial interest rate fixed by the board.

SEC. 3. Section 20130 of the Government Code is amended to read:

20130. Upon the basis of any or all of such investigation, valuation, and determination, the board shall adopt such mortality, service and other tables and annual and actuarial interest rates as it deems necessary, and make such revision in rates of contribution of members as it deems necessary to provide the benefits for which the rates for normal contributions are required to be calculated.

No adjustment shall be included in the new rates for time prior to the effective date of such revision.

A change in interest rate adopted by the board shall not apply to any election of a member to deposit or redeposit contributions, including interest, filed prior to the date such change was placed into effect.

SEC. 4. Section 20131 of the Government Code is amended to read:

20131. The board shall credit all contributions of members, retired members, the state, and contracting agencies in the retirement fund with interest at the current annual in-

terest rate, compounded at each June 30th. In crediting interest for any fiscal year to contributions of members made during that year, the board may apply one interest rate to the total of such contributions made through the month next preceding the date through which interest is credited, under the assumption that such contributions were made in equal monthly amounts from the July 1st next preceding, to said month, both inclusive.

SEC. 5. Section 20601 of the Government Code is amended to read:

20601. For each state miscellaneous member, the normal rate of contribution, effective on July 1, 1945, or on the later date of his entrance into this system, shall be such as will provide on the average, an annuity at age 60 equal to 1/120th of his final compensation for each year of current service, according to the tables adopted by the board. No adjustment shall be included in rates adopted under this section as the result of amendments hereto, changing the time at which members may retire or the benefits members will receive, because of time during which members have contributed at different rates prior to such adoption.

SEC. 6. Section 20026.1 is added to the Government Code, to read:

20026.1. "Annual interest rate" means the interest rate fixed by the board for purposes of crediting interest.

SEC. 7. Section 20026.2 is added to the Government Code, to read:

20026.2. "Actuarial interest rate" means the interest rate fixed by the board for purposes of actuarial valuation of the assets and liabilities of this system.

SEC. 8. Section 20132 of the Government Code is repealed.

CHAPTER 1353

An act to amend Sections 22012, 22016, 22126, 22201, 22203, 22206, 22207, 22300, 22551, and 22559, and to repeal Sections 22127, 22128, 22157 and 22210.3 of the Government Code, relating to the State Retirement System.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 22012 of the Government Code is amended to read:

22012. "Federal system" means the insurance system established under Title II of the Social Security Act.

SEC. 2. Section 22016 of the Government Code is amended to read:

22016. For the purposes of this part, persons employed by the county superintendent of schools and whose salaries are paid from the county school service fund are county employees. The cost of any elections and the employer's contribution for such employees under this part are proper charges against the county school service fund and such contribution shall be requisitioned and paid to the state as provided in Section 22550.5 of this code.

This section does not constitute a change in, but is declaratory of, preexisting law and all action heretofore taken by a county board of supervisors for coverage under the federal system of employees of the county superintendent of schools whose salaries are paid from the county school service fund, in accordance with state and federal law, is hereby ratified, confirmed and validated.

SEC. 3. Section 22126 of the Government Code is amended to read:

22126. Notwithstanding Section 22009.1, each retirement system which covers positions of policemen or firemen, or both, and other positions shall constitute a separate retirement system with respect to the positions of policemen or firemen, or both, covered by the system. Policemen and firemen shall vote separately from the other members of the system.

If the federal system is extended to any fireman's or policeman's position it shall be extended to them as a unit without any division of their separate retirement systems.

SEC. 4. Section 22127 of the Government Code is repealed.

SEC. 5. Section 22128 of the Government Code is repealed.

SEC. 6. Section 22157 of the Government Code is repealed.

SEC. 7. Section 22201 of the Government Code is amended to read:

22201. The board shall, upon application by any public agency except the state, in accordance with the provisions of this part execute on behalf of the state an agreement with the federal agency for the coverage of employees of such public agency under the federal system in conformity with the provisions of Section 218 of the Social Security Act and applicable federal regulations.

SEC. 8. Section 22203 of the Government Code is amended to read:

22203. Notwithstanding the provisions of Section 22201, however, before the board shall execute on behalf of the state an agreement with the federal agency as herein provided, the public agency and the board shall enter into a written agreement, which agreement shall include such provisions not inconsistent with this part which the board deems necessary in the administration of the federal system as it affects the state and the public agency and its employees.

For the purposes of this section, the state shall not be deemed to be a public agency, but nevertheless an agreement entered into pursuant to this part by the board and the State Teachers Retirement Board or the Adjutant General or the

Board of Regents of the University of California shall be deemed to be entered into by the board and a public agency.

SEC. 9. Section 22206 of the Government Code is amended to read:

22206. The legislative or governing body of every public agency having employees in positions covered by a retirement system who are ineligible to become members of such retirement system may upon the affirmative vote of a majority of the eligible employees of any coverage group of such public agency of which the employees who are ineligible to be members of such retirement system are a part, make formal application to the board for inclusion of the eligible employees of such coverage group in the said agreement; provided, that the terms of the agreement do not already apply to said positions.

SEC. 10. Section 22207 of the Government Code is amended to read:

22207. The legislative or governing body of every public agency having employees in positions covered by a retirement system who are ineligible to become members of such retirement system may in the case of any coverage group to which said agreement already applies, and upon the affirmative vote of a majority of the eligible employees in any coverage group of such public agency of which the employees who are ineligible to be members of such retirement system are a part, make formal application to the board for inclusion of the eligible employees of such coverage group in the said agreement; provided, that the terms of the agreement do not already apply to said positions; and provided, that on the effective date specified in said agreement relating to the coverage of such employees under the federal system, such employees are ineligible to be members of any retirement system.

SEC. 11. Section 22210.3 of the Government Code is repealed.

SEC. 12. Section 22300 of the Government Code is amended to read:

22300. Unless otherwise provided in this article the board shall authorize a referendum among the eligible employees of any retirement system coverage group upon the request of the legislative or governing body of any public agency having employees in such retirement system coverage group.

SEC. 13. Section 22551 of the Government Code is amended to read:

22551. The board may charge or assess each public agency and each public agency shall pay and reimburse the state at such times and in such amounts as the board may charge or assess, which amounts may differ from public agency to public agency, the public agency's proportionate share of any and all costs incurred by the state in the administration of the federal system as it affects the public agency and its employees. Such charges or assessments shall be determined by the board in a manner approved by the Department of General Services

and may be charged or assessed either in arrears or on the basis of anticipated costs not to exceed one year in advance. There shall be added to the amount of each such assessment delinquent 90 days after a notice thereof was mailed by the board, a penalty of 10 percent of the amount thereof. Such penalties when collected shall be paid into the Treasury and credited as revenue to the General Fund.

SEC. 14. Section 22559 of the Government Code is amended to read:

22559. Every public agency included in the agreement between the board and the federal agency shall submit all wage, contribution, and other reports required to fulfill the obligations of the state under the federal system. In the event of a failure or refusal to submit such reports, the board or the state officer or agency designated to assist in the administration of this part may audit the books and records of such public agency to the extent necessary to determine the public agency's liability for employer and employee contributions, penalties and interest required under the terms of the agreement. The cost of such audits as determined by the board in a manner approved by the Department of General Services shall be assessed against such public agency and each public agency so assessed shall reimburse the state for such cost.

CHAPTER 1354

An act to add an article heading to Chapter 2 (commencing with Section 3436) of Part 6 of Division 1 of, to add Article 2 (commencing with Section 3446) to Chapter 2 of Part 6 of Division 1 of, and to amend Sections 4377 and 4832 of, the Revenue and Taxation Code, relating to tax delinquent property.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. An article heading is added to Chapter 2 (commencing with Section 3436) of Part 6 of Division 1 of the Revenue and Taxation Code, to read:

Article 1. General Provisions

SEC. 2. Article 2 (commencing with Section 3446) is added to Chapter 2 of Part 6 of Division 1 of the Revenue and Taxation Code, to read:

Article 2. Alternative Provisions

3446. Where the abstract list or other system of control in a county obviates the need for the detailed statement required

under Section 3440 and the transmittal of redemption certificates and notices to the Controller with respect to tax sold property under Sections 4106 and 4803, the Controller may:

(a) Authorize the tax collector to transmit to the Controller in lieu of the detailed statement required under Section 3440, a summary statement following the sale to the state setting forth the time and place, number of parcels sold, dates of publication of delinquent list and notice of sale, and other appropriate information.

(b) Authorize the tax collector to transmit to the Controller prior to the issuance of tax deeds to the state a detailed list of the properties sold which remain unredeemed, the dates and forms of which the Controller shall prescribe.

(c) Authorize the redemption officer to discontinue the transmittal of redemption certificates and notices to the Controller under Sections 4106 and 4803 with respect to tax sold property only. When the property has been tax deeded to the state, the transmittal of redemption certificates and notices to the Controller under Sections 4106 and 4803 shall be made.

3447. If the detailed statement required under Section 3440 has been made to the Controller prior to the effective date of the authorizations provided for in this article, the redemption certificates and notices under Sections 4106 and 4803 with respect to such tax sold properties not yet deeded to the state need not be transmitted by the redemption officer, but the tax collector shall be required to furnish the detailed list of unredeemed properties prior to the deed to the state.

If on the effective date of this section the detailed statement required under Section 3440 has not been made to the Controller for the 1967 sale to the state, the Controller may issue the authorizations provided for under Section 3446.

3448. Where the system of control in the county no longer is operative or is found by the Controller to be inadequate, or where the tax collector or redemption officer fails to comply with the requirements of Section 3446, the authorizations may be rescinded by the Controller 30 days after notice is mailed to the tax collector and the redemption officer. Upon rescission of the authorization, the tax collector shall furnish the Controller, in the same form as prescribed under Section 3440, a complete list of all properties sold to the state which remained unredeemed on the effective date of such rescission, and the redemption officer shall, from and after the effective date of the rescission, transmit to the Controller all the redemption certificates and notices provided for under Sections 4106 and 4803.

SEC. 2. Section 4377 of the Revenue and Taxation Code is amended to read:

4377. Any delinquent tax roll more than 12 years old and original secured roll on which it is based containing the information set forth in the abstract list may be destroyed by the county officer or officers in possession of the rolls; except that (a) no original secured roll for the year 1912 (fiscal year

1912–1913) shall be so destroyed, (b) such destruction shall, in all cases, first be approved by order of the board of supervisors of the county, and (c) the abstract list shall first have been certified as correct and complete by the county auditor.

The abstract list prepared under Sections 4371 and 4373, or any photographic record thereof, shall be permanently retained by the redemption officer.

SEC 3. Section 4832 of the Revenue and Taxation Code is amended to read:

4832. Clerical errors of the auditor on the roll may be corrected under this article at any time before the report is sent to the Controller pursuant to Section 3440, or the summary statement is sent to the Controller pursuant to Section 3446, showing in detail each sale to the state for taxes.

CHAPTER 1355

An act to amend Sections 625, 630, 634, 658, 679, 700, and 800 of, to add Sections 627.5, 660, 681, and 702.5 to, and to repeal Section 660 of, the Welfare and Institutions Code, relating to juvenile court proceedings.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 625 of the Welfare and Institutions Code is amended to read:

625. A peace officer may, without a warrant, take into temporary custody a minor:

(a) Who is under the age of 18 years when such officer has reasonable cause for believing that such minor is a person described in Sections 600, 601, or 602, or

(b) Who is a ward or dependent child of the juvenile court or concerning whom an order has been made under Section 636 or 702, when such officer has reasonable cause for believing that person has violated an order of the juvenile court or has escaped from any commitment ordered by the juvenile court, or

(c) Who is under the age of 21 years and who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care.

In any case where a minor is taken into temporary custody on the ground that there is reasonable cause for believing that such minor is a person described in Section 601 or 602, or that he has violated an order of the juvenile court or escaped from any commitment ordered by the juvenile court, the officer shall advise such minor that anything he says can be used against him and shall advise him of his constitutional rights, including

his right to remain silent, his right to have counsel present during any interrogation, and his right to have counsel appointed if he is unable to afford counsel.

SEC. 2. Section 627.5 is added to the Welfare and Institutions Code, to read:

627.5. In any case where a minor is taken before a probation officer pursuant to the provisions of Section 626 and it is alleged that such minor is a person described in Section 601 or 602, the probation officer shall immediately advise the minor and his parent or guardian that anything the minor says can be used against him and shall advise them of the minor's constitutional rights, including his right to remain silent, his right to have counsel present during any interrogation, and his right to have counsel appointed if he is unable to afford counsel. If the minor or his parent or guardian requests counsel, the probation officer shall notify the judge of the juvenile court of such request and counsel for the minor shall be appointed pursuant to Section 634.

SEC. 3. Section 630 of the Welfare and Institutions Code is amended to read:

630. (a) If the probation officer determines that the minor shall be retained in custody, he shall immediately file a petition pursuant to Section 656 with the clerk of the juvenile court who shall set the matter for hearing on the detention hearing calendar. Immediately upon filing the petition with the clerk of the juvenile court, if the minor is alleged to be a person described in Section 601 or 602, the probation officer shall serve such minor with a copy of the petition and notify him of the time and place of the detention hearing. The probation officer shall thereupon notify a parent or guardian of the minor of the time and place of such hearing. Such notice may be given orally.

(b) In such hearing the minor has a privilege against self-incrimination and has a right to confrontation by, and cross-examination of, witnesses.

SEC. 4. Section 634 of the Welfare and Institutions Code is amended to read:

634. When it appears to the court that the minor or his parent or guardian desires counsel but is unable to afford and cannot for that reason employ counsel, the court may appoint counsel, and in a case in which the minor is alleged to be a person described in Section 601 or 602 the court must appoint counsel for the minor if he appears at the hearing without counsel, whether he is unable to afford counsel or not, unless there is an intelligent waiver of the right of counsel. In any case in which it appears to the court that there is such a conflict of interest between a parent or guardian and child that one attorney could not properly represent both, the court may appoint counsel, in addition to counsel already employed by a parent or guardian or appointed by the court to represent the minor or parent or guardian. In a county where there

is no public defender the court may fix the compensation to be paid by the county for service of such appointed counsel.

SEC. 5. Section 658 of the Welfare and Institutions Code is amended to read:

658. Upon the filing of the petition, the clerk of the juvenile court shall issue a notice, to which shall be attached a copy of the petition, and he shall cause the same to be served upon the minor, if the minor is 14 or more years of age or, in a case in which the minor is alleged to be a person described in Section 601 or 602, if the minor is eight or more years of age, and upon each of the persons described in subdivision (e) of Section 656 whose residence addresses are set forth in said petition and thereafter before the hearing upon all such persons whose residence addresses become known to the clerk. If the petition alleges that the minor is a person described in Section 601 or 602 the clerk shall issue a copy of the petition, to the minor's attorney and to the district attorney, if the district attorney has notified the clerk of the court that he wishes to receive such petition, containing the time, date, and place of the hearing.

SEC. 6. Section 660 of the Welfare and Institutions Code is repealed.

SEC. 7. Section 660 is added to the Welfare and Institutions Code, to read:

660. (a) If the minor is detained the clerk of the juvenile court shall cause the notice and copy of the petition to be personally served on all persons required to receive such notice and copy of the petition as soon as possible after filing of the petition and at least five days prior to the time set for hearing, unless such hearing is set less than five days from the filing of the petition, in which case, such notice and copy of the petition must be served at least 24 hours prior to the time set for hearing.

(b) If the minor is not detained the clerk of the juvenile court shall cause the notice and copy of the petition to be personally served on all persons required to receive such notice and copy of the petition at least 10 days prior to the time set for hearing. If such person is known to reside outside of the county, the clerk of the juvenile court shall mail the notice and copy of the petition, by certified mail, to such person, as soon as possible after filing of the petition and at least 10 days before the time set for hearing. Personal service of the notice and copy of the petition outside of the county at least 10 days before the time set for hearing is equivalent to service by certified mail. Service may be waived by any person by a voluntary appearance entered in the minutes of the court or by a written waiver of service filed with the clerk of the court at or prior to the hearing.

(c) For purposes of this section, service on the minor's attorney shall constitute service on the minor's parent or guardian.

SEC. 8. Section 679 of the Welfare and Institutions Code is amended to read:

679. A minor who is the subject of a juvenile court hearing and any person entitled to notice of the hearing under the provisions of Section 658, is entitled to be present at such hearing. Any such minor and any such person has the right to be represented at such hearing by counsel of his own choice or, if unable to afford counsel, has the right to be represented by counsel appointed by the court in cases in which the minor is alleged to be a person described by Section 601 or Section 602.

SEC. 9. Section 681 is added to the Welfare and Institutions Code, to read:

681. In a juvenile court hearing, where the minor who is the subject of the hearing is represented by counsel, the district attorney may, with the consent of the juvenile court judge, appear and participate in the hearing to assist in the ascertaining and presenting of the evidence. Where the petition in a juvenile court proceeding alleges that a minor is a person described in either subdivision (a) or subdivision (b) of Section 600, and either of the parents, or the guardian, or other person having care or custody of the minor, or who resides in the home of the minor, is charged in a pending criminal prosecution based upon unlawful acts committed against the minor, the district attorney may represent the minor in the interest of the state at the juvenile court proceeding with the consent or at the request of the juvenile court judge. The terms and conditions of such representation shall be with the consent or approval of the judge of the juvenile court.

SEC. 10. Section 700 of the Welfare and Institutions Code is amended to read:

700. At the beginning of the hearing on a petition filed pursuant to Article 7 (commencing with Section 650), the judge or clerk shall first read the petition to those present and upon request of the minor upon whose behalf the petition has been brought or upon the request of any parent, relative or guardian, the judge shall explain any term of allegation contained therein and the nature of the hearing, its procedures, and possible consequences. The judge shall ascertain whether the minor and his parent or guardian or adult relative, as the case may be, has been informed of the right of the minor to be represented by counsel, and if not, the judge shall advise the minor and such person, if present, of the right to have counsel present and where applicable, of the right to appointed counsel. If such person is unable to afford counsel and desires to have the minor represented by counsel, the court may in a case in which the minor is alleged to be within the provisions of Section 600, appoint counsel to represent the minor. In a case in which the minor is alleged to be a person described by Section 601 or Section 602 the court must appoint counsel to represent the minor if he appears at the hearing without coun-

sel whether he is unable to afford counsel or not, unless there is an intelligent waiver of the right of counsel. The court shall continue the hearing for not to exceed seven days, as necessary to make an appointment of counsel, or to enable counsel to acquaint himself with the case, or to determine whether the parent or guardian or adult relative is unable to afford counsel at his own expense, and shall continue the hearing as necessary to provide reasonable opportunity for the minor and the parent or guardian or adult relative to prepare for the hearing.

SEC. 11. Section 702.5 is added to the Welfare and Institutions Code, to read:

702.5. In any hearing conducted pursuant to Section 701 or 702 to determine whether a minor is a person described in Section 601 or 602, the minor has a privilege against self-incrimination and has a right to confrontation by, and cross-examination of, witnesses.

SEC. 12. Section 800 of the Welfare and Institutions Code is amended to read:

800. A judgment or decree of a juvenile court or final order of a referee which becomes effective without approval of a judge of the juvenile court assuming jurisdiction and declaring any person to be a person described in Section 600, 601, or 602, or on denying a motion made pursuant to Section 567, may be appealed from in the same manner as any final judgment, and any subsequent order may be appealed from as from an order after judgment; but no such order or judgment shall be stayed by such appeal, unless suitable provision is made for the maintenance, care, and custody of such person pending the appeal, and unless such provision is approved by an order of the juvenile court. Such appeal shall have precedence over all other cases in the court to which the appeal is taken.

An appellant unable to afford counsel shall be provided a free copy of the transcript.

CHAPTER 1356

An act to amend Section 628 of the Welfare and Institutions Code, relating to care and custody of minors.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 628 of the Welfare and Institutions Code is amended to read:

628. Upon delivery to the probation officer of a minor who has been taken into temporary custody under the provisions of this article, the probation officer shall immediately investigate the circumstances of the minor and the facts surround-

ing his being taken into custody and shall immediately release such minor to the custody of his parent, guardian, or responsible relative unless one or more of the following conditions exist:

(a) The minor is in need of proper and effective parental care or control and has no parent, guardian, or responsible relative; or has no parent, guardian, or responsible relative willing to exercise or capable of exercising such care or control; or has no parent, guardian, or responsible relative actually exercising such care or control.

(b) The minor is destitute or is not provided with the necessities of life or is not provided with a home or suitable place of abode.

(c) The minor is provided with a home which is an unfit place for him by reason of neglect, cruelty, or depravity of either of his parents, or of his guardian or other person in whose custody or care he is.

(d) Continued detention of the minor is a matter of immediate and urgent necessity for the protection of the person or property of another.

(e) The minor is likely to flee the jurisdiction of the court.

(f) The minor has violated an order of the juvenile court.

(g) The minor is physically dangerous to the public because of a mental or physical deficiency, disorder or abnormality.

CHAPTER 1357

An act to amend Section 707 of the Welfare and Institutions Code, relating to crimes of minors.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 707 of the Welfare and Institutions Code is amended to read:

707. At any time during a hearing upon a petition alleging that a minor is, by reason of violation of any criminal statute or ordinance, a person described in Section 602, when substantial evidence has been adduced to support a finding that the minor was 16 years of age or older at the time of the alleged commission of such offense and that the minor would not be amenable to the care, treatment and training program available through the facilities of the juvenile court, or if, at any time after such hearing, a minor who was 16 years of age or older at the time of the commission of an offense and who was committed therefor by the court to the Youth Authority, is returned to the court by the Youth Authority pursuant to Section 780 or 1737.1, the court may make a finding noted in the minutes of the court that the minor is not a fit and proper

subject to be dealt with under this chapter, and the court shall direct the district attorney or other appropriate prosecuting officer to prosecute the person under the applicable criminal statute or ordinance and thereafter dismiss the petition or, if a prosecution has been commenced in another court but has been suspended while juvenile court proceedings are held, shall dismiss the petition and issue its order directing that the other court proceedings resume.

In determining whether the minor is a fit and proper subject to be dealt with under this chapter, the offense, in itself, shall not be sufficient to support a finding that such minor is not a fit and proper subject to be dealt with under the provisions of the Juvenile Court Law.

A denial by the person on whose behalf the petition is brought of any or all of the facts or conclusions set forth therein or of any inference to be drawn therefrom is not, of itself, sufficient to support a finding that such person is not a fit and proper subject to be dealt with under the provisions of the Juvenile Court Law.

The court shall cause the probation officer to investigate and submit a report on the behavioral patterns of the person being considered for unfitness.

CHAPTER 1358

An act to amend Sections 969 and 25422 of the Education Code, relating to junior college board meetings.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 969 of the Education Code is amended to read:

969. Meetings of the governing board of a high school district shall be held in the high school building. If there is no high school building in the high school district, or if in the judgment of the board, the interests of the district may be better served by holding its meetings elsewhere, it may meet at such other place in the high school district as it may by resolution determine.

The junior college board shall meet in a public building which is owned or leased by the junior college district.

SEC. 2. Section 25422 of the Education Code is amended to read:

25422. The junior college board shall meet in a public building which is owned or leased by the junior college district.

CHAPTER 1359

An act to add Sections 45308.4, 45308.5, and 45308.6 to the Government Code, relating to public pension and retirement funds.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 45308.4 is added to the Government Code, to read:

45308.4. Notwithstanding Section 45308.1, funds received by city retirement systems and not required for current disbursements may be invested in any of the following:

(a) First liens on real property if the loan is fully guaranteed or insured or covered by a commitment to guarantee or insure by the Federal Housing Commissioner.

(b) First liens on real property if the loan is fully guaranteed by the United States or any agency thereof pursuant to the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof.

SEC. 2. Section 45308.5 is added to the Government Code, to read:

45308.5. Notwithstanding Section 45308.1, in addition to such other investments as are authorized by this article, city retirement systems may in their discretion under the advice of proper counsel invest the assets of the retirement fund in an amount, determined on the basis of cost, not to exceed 10 percent of the assets in the first two years after the effective date of this section, not to exceed 15 percent during the third year after the effective date of this section, and not to exceed 25 percent thereafter, in common stock or shares, and not to exceed 2 percent of the assets in the first year after the effective date of this section, not to exceed 3 percent during the second year after the effective date of this section, and not to exceed 5 percent thereafter, in preferred stock or shares, of corporations created or existing under the laws of the United States, or any state, district, or territory thereof; provided that

(a) Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended. Such registration shall not be required with respect to the following stocks:

(1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars ($50,000,000);

(2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars ($50,000,000);

(3) Any preferred stock.

(b) Such corporation has total assets of at least one hundred million dollars ($100,000,000);

(c) Bonds of such a corporation, if any are outstanding, qualify for investment of the retirement fund, and that there are no arrears of dividend payments on its preferred stock;

(d) Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last three years;

(e) Such investment in any one company may not exceed 5 percent of the common shares outstanding; and

(f) No single common stock investment, based on cost, may exceed 2 percent of the assets of the fund.

SEC. 3. Section 45308.6 is added to the Government Code, to read:

45308.6. For purposes of Section 45308.5, city retirement systems shall employ investment counsel or trust companies or trust departments of banks to render service in connection with the city retirement system's investment program.

CHAPTER 1360

An act to amend Section 12551 of, and to add Section 12552 to, the Penal Code, relating to the sale and furnishing of firearms and other guns to minors.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 12551 of the Penal Code is amended to read:

12551. Every person who sells to a minor under the age of 18 years any firearm, air gun, or gas-operated gun, designed to fire a bullet, pellet or metal projectile, is guilty of a misdemeanor.

SEC. 2. Section 12552 is added to the Penal Code, to read:

12552. Every person who furnishes any firearm, air gun, or gas-operated gun, designed to fire a bullet, pellet or metal projectile, to any minor under the age of 18 years, without the express or implied permission of the parent or legal guardian of the minor, is guilty of a misdemeanor.

CHAPTER 1361

An act to amend Section 12001 of the Penal Code, relating to concealed weapons.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 12001 of the Penal Code is amended to read:

12001. "Pistol," "revolver," and "firearm capable of being concealed upon the person" as used in this chapter apply to and include any device, designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and which has a barrel less than 12 inches in length.

CHAPTER 1362

An act to amend Section 28109 of the Government Code, relating to county compensation.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 28109 of the Government Code is amended to read:

28109. In a county of the ninth class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office fourteen thousand three hundred seventy-six dollars ($14,376) a year, and eight cents ($0.08) for each mile actually traveled when engaged in official business in the county. All other officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county.

Each grand juror shall receive for each day's attendance, eight dollars ($8) and for each mile actually and necessarily traveled from his residence to the county seat, in going only, twenty cents ($0.20) to be allowed but once during each session the juror is required to attend. Each grand juror shall receive for each day's attendance at any committee meeting or session called by a grand jury committee chairman, five dollars ($5).

CHAPTER 1363

An act to amend Section 8000 of the Vehicle Code, relating to the Reciprocity Commission.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 8000 of the Vehicle Code is amended to read:

8000. The Reciprocity Commission may enter into agreements or arrangements with duly authorized representatives of any foreign jurisdiction, provinces or country granting exemption to owners of or persons entitled to the possession of or right to operate commercial vehicles which are properly registered or licensed or for which fees have been paid in such jurisdictions, and upon which evidence of registration or payment of fees is conspicuously displayed, from the payment, wholly or partially, of any vehicle license, registration, or weight fees imposed under this code and Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code, or regulatory fees which are, or may be, imposed by the Public Utilities Code.

CHAPTER 1364

An act to amend Sections 3760, 3953, and 4213 of the Labor Code, relating to workmen's compensation.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 3760 of the Labor Code is amended to read:

3760. Every employer who is insured against any liability imposed by this division shall file with the insurance carrier a complete report of every injury to each employee arising out of or in the course of his employment. Every such report shall be filed within five days after the injury has been reported to the employer. If not so filed, the carrier may petition the appeals board for an order, or the appeals board may of its own motion issue an order, directing the employer to submit a report of the injury within five days after service of the order. Failure of the employer to comply with the appeals board's order may be punished by the appeals board as a contempt.

SEC. 2. Section 3953 of the Labor Code is amended to read:

3953. In any proceeding for compensation any such finding of inadequacy is conclusive evidence of the fact of such inadequacy during the period covered by the finding. Such finding of inadequacy may be amended, modified, or rescinded by the administrative director at any time upon good cause appearing therefor.

SEC. 3. Section 4213 of the Labor Code is amended to read:

4213. If the injury sustained by an enrollee causes permanent disability, the percentage of disability to total disability shall be determined for the occupation of a laborer of like age by applying the schedule for the determination of the percentage of permanent disabilities prepared and adopted by the appeals board.

CHAPTER 1365

An act to amend Sections 4911, 4913, 4920, and 4922 of, and to add Section 4911.1 to, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 4911 of the Revenue and Taxation Code is amended to read:

4911. (a) If an assessee or agent of the assessee by mistake pays the tax on other than the property intended and by substantial evidence convinces the tax collector that the payment was intended for another property, the tax collector shall cancel the credit on the unintended property and transfer the payment to the property intended as prescribed in this article at any time before a guaranty or certificate of title issues respecting the unintended property and before two years have elapsed since the date of payment.

(b) If through no fault of the assessee or agent of the assessee, a tax payment is credited to property other than the property intended and the taxpayer by substantial evidence convinces the tax collector that the payment should have been credited to another property, the tax collector shall cancel the credit on the unintended property and transfer the payment to the property intended as prescribed in this article at any time before a guaranty or certificate of title issues respecting the unintended property and before two years have elapsed since the date of the payment.

SEC. 2. Section 4911.1 is added to the Revenue and Taxation Code, to read:

4911.1. If through no fault of the assessee or agent of the assessee a tax payment is credited to property other than the property intended and after a guaranty or certificate of title

issues respecting the unintended property, the taxpayer by substantial evidence convinces the tax collector that the payment should have been credited to another property, the tax collector shall transfer the payment in full to the property intended, and shall cancel the credit on the unintended property. In the event a transfer of payment is made, the person owning the unintended property immediately before issuance of the guaranty or certificate of title shall be personally liable for the amount so transferred which shall be collected in the manner specified for the collection of taxes on the unsecured roll.

SEC. 3. Section 4913 of the Revenue and Taxation Code is amended to read:

4913. If a credit is canceled on unintended property, the tax collector shall notify the assessee or agent of the assessee of the unintended property by registered mail at his last known address respecting the proposed transfer.

If the credit on the unintended property is canceled and transferred pursuant to Section 4911.1, the tax collector shall inform the person owning the unintended property immediately before issuance of the guaranty or certificate of title that the credit has been canceled and transferred and the person so notified shall be personally liable for the amount so transferred which shall be collected in the manner specified for the collection of taxes on the unsecured roll.

SEC. 4. Section 4920 of the Revenue and Taxation Code is amended to read:

4920. This article shall be applicable only if all of the following requirements in either subdivision (a) or subdivision (b) are true:

(a) (1) By substantial evidence a redemptioner convinces the redemption officer that money paid by him in redemption of any property or for the use of any property pursuant to Chapter 3 (commencing with Section 4186) of Part 7 of this division was intended by him to be paid in connection with any other property or that such payment was, without his fault, credited to unintended property.

(2) The right of redemption has not terminated on the property in connection with which the payment was intended.

(3) One year has not elapsed since the date of the payment.

(4) A guarantee or certificate of title has not been issued on the property in connection with which the payment was credited.

When all of the foregoing are true, the redemption officer shall transfer the payment to the property in connection with which the payment was intended, and in case the payment caused the redemption of the property in connection with which the payment was not intended, cancel the redemption of that property.

(b) (1) By substantial evidence a redemptioner convinces the redemption officer that money paid by him in redemption of any property or for the use of any property pursuant to

Chapter 3 (commencing with Section 4186) of Part 7 of this division was, without his fault, credited to unintended property.

(2) The right of redemption has not terminated on the property in connection with which the payment was intended.

(3) One year has not elapsed since the date of the payment.

(4) A guarantee or certificate of title has been issued on the property in connection with which the payment was credited.

When all of the foregoing are true, the redemption officer shall transfer the payment to the property in connection with which the payment was intended to be made, and shall cancel the credit on the unintended property. In the event such a transfer is made, the person owning the unintended property immediately before issuance of the guaranty or certificate shall be personally liable for the amount so transferred which shall be collected in the manner specified for the collection of taxes on the unsecured roll.

SEC. 5. Section 4922 of the Revenue and Taxation Code is amended to read:

4922. If the credit on unintended property is canceled pursuant to subdivision (b) of Section 4920, the tax collector shall inform the assessee or agent of the assessee of the property on the last equalized assessment roll that the credit has been canceled and the person so notified shall be personally liable for the amount so transferred which shall be collected in the manner specified for the collection of taxes on the unsecured roll. The redemption officer shall notify the last assessee or agent of the assessee of the property in connection with which payment may be transferred pursuant to this article, by registered mail at his last known address respecting the proposed transfer, or, if no address is known for him then at the county seat. It is not necessary to mail a notice to any party who files with the redemption officer a waiver of the notice.

SEC. 7. The Legislature finds and declares that it is necessary to maintain the confidence of the public in the system of property taxation and in the system of recording title to property in this state. When a guaranty or certificate of title has been issued on property, the person acquiring the title should be able to rely thereon without having to fear that payments were erroneously credited to taxes due on the property. In a similar manner, when a taxpayer pays taxes on property or payments in redemption of property, which taxes or payments are credited without his fault to unintended property, he should be able to correct such errors and credit the money paid to the intended property. This act will accomplish these purposes and the best interests of the public will be served thereby.

CHAPTER 1366

An act to amend Section 817 of the Education Code, relating to payment of the cost of repairing or replacing property of school district employees.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 817 of the Education Code is amended to read:

817. The governing body of any school district may by rule or regulation provide for the payment of the costs of replacing or repairing property of an employee, such as eyeglasses, hearing aids, dentures, watches, articles of clothing necessarily worn or carried by the employee, or vehicles when any such property is damaged in the line of duty without fault of the employee. If the property is damaged beyond repair, the actual value of such property may be paid. The value of such property shall be determined as of the time of the damage thereto. Limits may be established for the payment of such damaged property.

In the event the employee is paid the costs of replacing or repairing such property, or the actual value of such property, the school district shall, to the extent of such payments, be subrogated to any right of the employee to recover compensation for such damaged property.

CHAPTER 1367

An act to amend Sections 15951, 15953, 15958, and 16501 of the Education Code, relating to schools.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 15951 of the Education Code is amended to read:

15951. The governing board of any school district shall let any contracts involving an expenditure of more than two thousand five hundred dollars ($2,500) for work to be done or more than four thousand dollars ($4,000) for materials or supplies to be furnished, sold, or leased to the district, to the lowest responsible bidder who shall give such security as the board requires, or else reject all bids. This section applies to all materials and supplies whether patented or otherwise.

SEC. 2. Section 15953 of the Education Code is amended to read:

15953. In school districts, having an average daily attendance of 1,000 or more, as shown by the annual report of the county superintendent of schools for the preceding school year, the board may secure from responsible bidders at least three estimates of the cost of the work to be done or materials or supplies to be furnished. The estimates shall be secured from bona fide dealers or craftsmen engaged in the business or in handling the goods specified.

Estimates shall be submitted in writing and shall be filed with the clerk or secretary of the board, or with such other officer or employee as the board may designate.

If any of the estimates of the cost of work to be done is less than four thousand dollars ($4,000), or if any of the estimates of the cost of materials or supplies to be furnished is less than seven thousand dollars ($7,000), the board may let a contract for such work or for such materials or supplies, as the case may be, to the lowest responsible bidder without publishing the notice calling for bids.

SEC. 3. Section 15958 of the Education Code is amended to read:

15958. The governing board of any school district may purchase supplementary textbooks, library books, and educational films, audiovisual materials, test materials, or workbooks in any amount needed for the operation of the schools of the district without taking estimates or advertising for bids. Test materials, educational films, and audiovisual materials may be leased for a period not exceeding 10 years.

SEC. 4. Section 16501 of the Education Code is amended to read:

16501. The county board of education shall on or before the first day of February of each year establish rules and regulations under which elementary school districts governed by school trustees and having an average daily attendance of less than 2,500 during the preceding fiscal year shall purchase standard school supplies and equipment through the county superintendent of schools, or when so directed by him, through a county purchasing agent.

When the county superintendent of schools purchases standard school supplies without directing their purchase through the county purchasing agent or other county, city, or school district agent or agency, he shall make such purchase from the lowest responsible bidder who shall give such security as the county superintendent of schools requires, or else reject all bids. For the purpose of securing bids, the county superintendent of schools shall publish at least once a week for two weeks in a newspaper of general circulation published in the county, a notice calling for bids stating where the list and specifications of standard school supplies and equipment to be furnished may be obtained and the time when, and the place where bids will be opened.

The county board of education shall list as standard school supplies and equipment such supplies and equipment as can be advantageously purchased in quantity. The list of standard school supplies shall be accompanied by a table of specifications giving the minimum grade, quality, substance, or other standard required for the purchase of each item listed.

The cost of advertising for bids and the cost of preparation of a table of specifications shall be paid from the county general fund.

CHAPTER 1368

An act to amend Sections 7068 and 7068.1 of the Business and Professions Code, relating to contractors.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 7068 of the Business and Professions Code is amended to read:

7068. The board shall require an applicant to show such degree of knowledge and experience in the classification applied for, and such general knowledge of the building, safety, health and lien laws of the state and of the administrative principles of the contracting business as the board deems necessary for the safety and protection of the public. An applicant shall qualify in regard to his experience and knowledge in one of the following ways:

(a) If an individual, he shall qualify by personal appearance or by the appearance of his responsible managing employee.

(b) If a copartnership or a limited partnership, it shall qualify by the appearance of a general partner or a responsible managing employee.

(c) If a corporation, or any other combination or organization, it shall qualify by the appearance of the responsible managing officer, the responsible managing employee, or a member of the personnel of such applicant.

A responsible managing employee for the purpose of this chapter shall mean an employee who is regularly employed by the applicant and is actively engaged in the classification of work for which such responsible managing employee is the qualifying person in behalf of the applicant.

SEC. 2. Section 7068.1 of the Business and Professions Code is amended to read:

7068.1. The person qualifying on behalf of an individual or firm under subdivision (a), (b) or (c) of Section 7068 shall be responsible for exercising such direct supervision and control of his employer's or principal's construction operations as is necessary to secure full compliance with the provisions of

this chapter and the rules and regulations of the board relating to such construction operations and such person shall not act in the capacity of the qualifying person for an additional individual or firm unless one of the following conditions exists:

(a) There is a common ownership of at least 20 percent of the equity of each individual or firm for which the person acts in a qualifying capacity.

(b) The additional firm is a subsidiary of or a joint venture with the first. "Subsidiary," as used in this subdivision, means any firm at least 20 percent of the equity of which is owned by the other firm.

(c) With respect to a firm under subdivision (b) or (c) of Section 7068, the majority of the partners or officers are the same.

"Firm," as used in this section, means a copartnership, a limited partnership, a corporation, or any other combination or organization described in Section 7068.

"Person," as used in this section, is limited to persons natural, notwithstanding the definition of "person" in Section 7025 of this chapter.

Nothing contained in the amendments made to this section at the 1967 Regular Session of the Legislature shall apply to a responsible managing employee with respect to any such individual or firm for whom he is acting in a qualifying capacity on the effective date of such amendments.

CHAPTER 1369

An act to amend Sections 15606 and 15608 of, and to add Chapter 9 (commencing with Section 30300), to Division 3 of Title 3 of the Government Code, relating to county tax collection.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 15606 of the Government Code is amended to read:

15606. The State Board of Equalization shall:

(a) Prescribe rules for its own government and for the transaction of its business.

(b) Keep a record of all its proceedings.

(c) Prescribe rules and regulations to govern local boards of equalization when equalizing, and assessors when assessing.

(d) Prescribe and enforce the use of all forms for the assessment of property for taxation.

(e) Prepare and issue instructions to assessors designed to promote uniformity throughout the state and its local taxing jurisdictions in the assessment of property for the purposes

of taxation. It may adapt such instructions to varying local circumstances and to differences in the character and conditions of property subject to taxation as in its judgment is necessary to attain such uniformity.

(f) Subdivisions (c), (d) and (e) in this section shall include, but are not limited to, rules, regulations, instructions and forms relating to classifications of kinds of property and evaluation procedures. All rules and regulations adopted by the board pursuant to subdivision (c) shall be adopted, on and after January 1, 1968, pursuant to the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of this division.

The provisions of this section are mandatory.

SEC. 2. Section 15608 of the Government Code is amended to read:

15608. The board shall instruct, advise, and direct assessors as to their duties under the laws. It may obtain the opinion of the Attorney General upon any questions of law relating to such duties in such cases as it deems necessary.

SEC. 3. Chapter 9 (commencing with Section 30300) is added to Division 3 of Title 3 of the Government Code, to read:

CHAPTER 9. TAX LEVYING AND COLLECTION PROCEDURES FOR COUNTIES

30300. The State Controller shall instruct, advise, and direct tax collectors as to their duties under the laws. He may obtain the opinion of the Attorney General upon any questions of law relating to such actions in such cases as he deems necessary.

30301. The State Controller shall prescribe tax levying and collecting procedures under this division. The procedures, which shall include the prescription and use of forms, shall be adopted under the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code and published in the California Administrative Code. The State Controller shall prescribe such procedures only after consultation with the Committee on County Tax Collecting Procedures.

30302. The Committee on County Tax Collecting Procedures shall consist of 10 members appointed by the State Controller. Four of the members shall be county auditors, four shall be county tax collectors, and two shall be members of a county board of supervisors. The appointment of the members of the committee shall be made from a list of (a) for the tax-collector members, eight nominees submitted by the county tax collectors, (b) for the auditor members, eight nominees submitted by the county auditors, (c) for the supervisor members, four nominees submitted by the county supervisors. The members of the committee shall serve without compensation but

shall be reimbursed for their necessary traveling and other expenses incurred in attending meetings of the committee. Such expenses shall be paid by the county of which the member is an officer or representative. The committee shall select a member thereof to serve as chairman, and shall meet at the call of the chairman. Each member shall be given written notice of any meeting at least 10 days prior to the date of the meeting.

CHAPTER 1370

An act to amend Sections 475, 475a, and 484a of the Penal Code, relating to crimes against property.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 475 of the Penal Code is amended to read:

475. Every person who has in his possession, or receives from another person, any forged promissory note or bank bill, or bills, for the payment of money or property, with the intention to pass the same, or to permit, cause, or procure the same to be uttered or passed, with the intention to defraud any person, knowing the same to be forged or counterfeited, or has or keeps in his possession any blank or unfinished note or bank bill made in the form or similitude of any promissory note or bill for payment of money or property, made to be issued by any incorporated bank or banking company, or any blank or unfinished check, money order, or traveler's check, made in the form or similitude of any check, money order, or traveler's check, whether the parties thereto are real or fictitious, with intention to fill up and complete such blank and unfinished note or bill, check, money order, or traveler's check, or to permit, or cause, or procure the same to be filled up and completed in order to utter or pass the same, or to permit, or cause, or procure the same to be uttered or passed, to defraud any person, is punishable by imprisonment in the state prison for not less than 1 nor more than 14 years, or by imprisonment in the county jail for not more than one year.

SEC. 2. Section 475a of the Penal Code is amended to read:

475a. Every person who has in his possession a completed check, money order, or traveler's check, whether the parties thereto are real or fictitious, with intention to utter or pass the same, or to permit, cause, or procure the same to be uttered or passed, to defraud any person, is punishable by imprisonment in the state prison for not less than 1 nor more than 14 years, or by imprisonment in the county jail for not more than one year.

SEC. 3. Section 484a of the Penal Code is amended to read:

484a. (a) As used in this section:

"Credit card" means any instrument, whether in the form of a card, booklet, plastic or metal substance, or the number or other identifying description thereof, which is sold, issued or otherwise distributed by a business organization or financial institution, for the use by the person or organization named thereon for obtaining goods, property, services, or anything of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check or other order for the payment of money drawn by the cardholder;

"Cardholder" means the person or organization to whom a credit card is issued or for whose benefit it is issued.

(b) Any person who:

(1) Steals, takes or removes a credit card from the person or possession of the cardholder, or, who retains or secretes a credit card without the consent of the cardholder, with the intent of using, delivering, circulating or selling or causing said card to be used, delivered, circulated or sold without the consent of the cardholder, is guilty of a misdemeanor.

(2) Has in his possession or under his control or who receives from another person any forged, altered, counterfeited, fictitious, or stolen credit card with the intent to use, deliver, circulate or sell the same, or to permit or cause or procure the same to be used, delivered, circulated or sold, knowing the same to be forged, altered, counterfeited, fictitious, or stolen, or who has or keeps in his possession, any blank or unfinished credit card made in the form or similitude of any credit card, with such intent, is guilty of a misdemeanor.

(3) Has in his possession, or under his control, or who receives from another person a credit card with the intent to circulate or sell the same, or to permit or cause or procure the same to be used, delivered, circulated or sold, knowing such possession, control or receipt to be without the consent of the cardholder or issuer, is guilty of a misdemeanor.

(4) Delivers, circulates or sells a credit card which was obtained or is held by such person under circumstances which would constitute a crime under paragraphs (1), (2) or (3) of this subdivision, or permits or causes or procures the same to be used, delivered, circulated or sold, knowing the same to be obtained or held under circumstances which would constitute a crime under paragraphs (1), (2) or (3) of this subdivision, is guilty of a misdemeanor.

(5) With intent to defraud, either forges, materially alters or counterfeits a credit card is punishable by imprisonment in the state prison for a term not less than one nor more than five years, or by imprisonment in the county jail for not more than one year.

(6) With intent to defraud, signs the name of another or of a fictitious person to a charge voucher, receipt, or other document signed pursuant to the use of a credit card is punishable by imprisonment in the state prison for a term not less

than one nor more than five years, or by imprisonment in the county jail for not more than one year.

(7) Knowingly uses or attempts to use for the purposes of obtaining goods, property, services or anything of value, a credit card which was obtained, or is held by the user, under circumstances which would constitute a crime under paragraphs (1), (2) or (3) of this subdivision, is also guilty of a misdemeanor if the total amount of goods, property or services or other things of value so obtained or attempted to be obtained by such person does not exceed fifty dollars ($50), is punishable by imprisonment in the state prison for a term not less than one nor more than five years, or by imprisonment in the county jail for not more than one year, if the total amount of goods, property or services or other things of value so obtained or attempted to be obtained by such person exceeds fifty dollars ($50).

(c) Every person who knowingly and with intent to defraud uses for the purpose of obtaining goods, property or services, or anything of value, a credit card which has been revoked or canceled by the issuer thereof (as distinguished from expired), and notice of such revocation or cancellation has been given to such person, is guilty of a misdemeanor if the total amount of goods, property or services or other things of value so obtained thereafter by such person does not exceed fifty dollars ($50); and is punishable by imprisonment in the state prison for a term not less than one nor more than five years, or by imprisonment in the county jail for not more than one year, if the total amount of goods, property or services or other things of value so obtained thereafter by such person exceeds fifty dollars ($50).

(d) If any provision or clause of this section or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section, which can be given effect without the invalid provision or application and to this end the provisions of this section are declared to be severable.

SEC. 4. This act shall not be construed to preclude the applicability of any other provision of the criminal law of this state which presently applies or may in the future apply to any transaction which violates this act.

CHAPTER 1371

An act to amend Sections 51200, 51201, 51243, 51244, 51245, 51248, 51255, 51256, 51261, 51283, 51291, and 51295 of, and to add Sections 51201.1, 51204, 51260.1, 51261.1, 51261.2, 51261.3, 51283.3 and 51293.1 to, the Government Code, relating to the Land Conservation Act of 1965.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 51200 of the Government Code is amended to read:

51200. This chapter shall be known as the California Land Conservation Act of 1965 or as the Williamson Act.

SEC. 1.1. Section 51201 of the Government Code is amended to read:

51201. As used in this chapter, unless otherwise apparent from the context:

(a) "Agricultural commodity" means any and all plant and animal products produced in this state for commercial purposes.

(b) "Agricultural use" means use of land for the purpose of producing an agricultural commodity for commercial purposes.

(c) "Prime agricultural land" means (1) all land which qualifies for rating as class I or as class II in the Soil Conservation Service land use capability classifications, (2) land which qualifies for rating 80 through 100 in the Storie Index Rating, (3) land which supports livestock used for the production of food and fiber, and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture, (4) land planted with fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and during the commercial bearing period will normally return on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars ($200) per acre, or (5) land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars ($200) per acre for three of the previous five years.

(d) "Agricultural preserve" means an area devoted to agricultural and compatible uses as designated by a city or county, and established by resolution of the governing body of a city or county after a public hearing. Notice of the hearing shall be published pursuant to Section 6061 of the Government Code. The governing body may, by resolution, provide procedures for initiating, filing and processing requests to establish agricultural preserves. The same procedure to establish

an agricultural preserve shall be used to enlarge or diminish the size of an agricultural preserve including disestablishment of an agricultural preserve. In the event any proposed alteration of the boundary of an agricultural preserve or proposed disestablishment of an agricultural preserve will remove land under contract or agreement from an agricultural preserve, notice of the proposed alteration or disestablishment and hearing date shall be furnished by the county or city to the owner by registered United States mail directed to him at his latest address known to the county or city and such notice shall be furnished in a like manner to each owner of land in that preserve which has a common boundary with the land to be removed from the agricultural preserve. Such preserves, when established, shall be for the purpose of subsequently placing restrictions upon the use of land within them, or supplementing existing restrictions, pursuant to the purposes of this chapter. Such preserve may contain land other than prime agricultural land, but the use of any land not under contract within the preserve shall subsequently be restricted in such a way as to not be incompatible with the agricultural use of the prime agricultural land the use of which is limited by contract in accordance with this chapter. Such preserve may also be established even if it contains no prime agricultural land, provided that the land within the preserve is subsequently restricted to agricultural and compatible uses by agreement as provided in Section 51255, or by any other suitable means.

(e) Except as otherwise defined by this act, "compatible use" shall be determined by the city or county administering the agricultural preserve according to uniform rules. "Compatible use" is hereby determined by the Legislature to include the erection, construction, alteration, or maintenance of gas, electric, water, or communication utility facilities, unless the governing board makes a finding after notice and hearing that any or all such facilities are not a compatible use. No land occupied by gas, electric, water, or communication utility facilities shall be excluded from a preserve by reason of such use.

(f) "Uniform rules" mean rules adopted by a city or county for the administration of each agricultural preserve including waiver of compensation pursuant to Section 51261, and such rules shall be uniform throughout the agricultural preserve for which the rules are adopted.

SEC. 1.3. Section 51201.1 is added to the Government Code, to read:

51201.1. A preserve shall be transferred from the city or county signing the agreement or contract to any succeeding city or county acquiring jurisdiction over the land in the same manner and under the same conditions as provided for contracts in subdivision (b) of Section 51243.

SEC. 1.5. Section 51204 is added to the Government Code, to read:

51204. The assessed valuations referred to in Sections 51261.2 and 51283, upon the request of either of the parties to the contract, will be subject to equalization pursuant to Section 1604 of the Revenue and Taxation Code.

SEC. 2. Section 51243 of the Government Code is amended to read:

51243. Every such contract shall:

(a) Provide for the exclusion of uses other than agricultural, and other than those related to or compatible with agricultural use, for the duration of the contract.

(b) Be transferred from the contracting owner to any succeeding owner and from succeeding owner to succeeding owner. The contract shall also be transferred from the contracting city or county to any succeeding city or county acquiring jurisdiction over the land, except as hereinafter provided. On the annexation by a city of any land under contract with a county, the city shall succeed to all rights, duties and powers of the county under such contract, unless the land being annexed was within one mile of such city at the time that the contract was initially executed, and the city states its intent not to so succeed in its resolution of intention to annex. If the city does not exercise its option to succeed, the contract becomes null and void as to the land actually being annexed on the date of annexation. In the event that only part of the land under contract was within one mile of the city the option of the city shall extend only to such part.

(c) Be divisible in the event land under contract is divided. A contract identical to the contract then covering the original parcel except any waiver of compensation payment which is distributed pursuant to Section 51261.1 shall be executed by the owner on each parcel created by the division at the time of the division and the county or city shall require, as a condition of approval of the division, the execution of the contracts provided for in this subdivision and any division by order of a judicial proceeding shall require the execution of the contracts required by this subdivision.

SEC. 3. Section 51244 of the Government Code is amended to read:

51244. Each contract shall be for an initial term of 10 years. Each contract shall provide for renewal options so that on the anniversary date of the contract or such other annual date as specified by the contract a year shall be added automatically to the initial term unless notice of nonrenewal is given as provided in Section 51245.

Notice of renewal and the new termination date shall be recorded with the county recorder and from and after the time of such recording shall constitute such notice to all persons as is afforded by the recording laws of this state.

SEC. 4. Section 51245 of the Government Code is amended to read:

51245. If either the landowner or the city or county desires in any year not to renew the contract, that party shall serve

written notice of nonrenewal of the contract upon the other party in advance of the annual renewal date of the contract. Unless such written notice is served by the landowner at least 90 days prior to the renewal date or by the city or county at least 60 days prior to the renewal date, the contract shall be considered renewed as provided in Section 51244.

SEC. 5. Section 51248 of the Government Code is amended to read:

51248. If at any time during the existence of a contract which has not been renewed, the contracting city or county serves notice upon the landowner of its desire to renew the contract, the landowner may renew the contract within 90 days from the date of such notice. The renewal shall extend the contract for a period as provided in Section 51244. Notice of such renewal and the new termination date shall be recorded with the county recorder and such recordation shall have the same effect as provided in Section 51244.

SEC. 6. Section 51255 of the Government Code is amended to read:

51255. Notwithstanding Section 51242, any city or county may, by agreement, but without payment to the landowner of public funds, limit the use of any land within an agricultural preserve to agricultural and compatible uses. The city or county, upon entering into any such agreement, shall file a copy of the agreement with the Director of Agriculture and shall record the original or a copy thereof, which shall describe the land subject thereto, with the county recorder. From and after the time of such recordation such agreement shall impart such notice thereof to all persons as is afforded by the recording laws of this state.

SEC. 7. Section 51256 of the Government Code is amended to read:

51256. Any city or county which offers any such agreement to any owner of land in agricultural use within a preserve shall offer agreements on similar terms to any other such owner within that preserve upon his request. Each agreement as to land within a preserve may be made mutually dependent upon any other agreements as to land within that preserve. The provisions of the agreement relating to length, terms, conditions, restrictions and, including but not limited to provisions relating to the same subjects as contracts, shall be determined by negotiation between the city or county and the landowner. The agreement shall be transferred from the city or county signing the agreement to any succeeding city or county acquiring jurisdiction over the land in the same manner and under the same conditions as provided for contracts in subdivision (b) of Section 51243. It shall be the policy of the city or county to secure agreements under which the limitations or restrictions will not be removed or substantially modified in the predictable future. However, the provisions of this section shall not be construed to require that all agreements entered into upon lands within a preserve be identical, so long

as such differences as exist are related to differences in the location and circumstances of the owners of land in agricultural or compatible uses, or pursuant to uniform rules adopted by the city or county.

SEC. 8. Section 51260.1 is added to the Government Code, to read:

51260.1. Where a parcel not covered by a contract or agreement is part prime land and part nonprime land and that parcel is in a preserve or is in an area where the establishment of a preserve is pending, the county assessor shall, upon request of the city or county responsible for the preserve or proposed preserve, furnish that city or county and the landowner of the parcel the assessed value of the prime land part of the parcel.

SEC. 9. Section 51261 of the Government Code is amended to read:

51261. Payments to any landowner by a city or county pursuant to a contract entered into under this chapter shall be an annual payment of five cents ($0.05) for each one dollar ($1) of the assessed value of the land under contract.

The landowner, however, may waive the obligation of a city or county to make any such payments. Such waiver shall be expressed in the original contract or any subsequent renewals thereof, and shall be in effect for the original or renewal term of the contract. A county or city may require such a waiver by a landowner up to the amount of the assessed valuation of the property at the time of initially entering into the contract, as a condition on entering into the contract. All waivers so required must be pursuant to a uniform rule applicable to all contracts in the agricultural preserve in which the land is located.

SEC. 10. Section 51261.1 is added to the Government Code, to read:

51261.1. In the event there is a division of land under contract into two or more parcels the amount of the assessed valuation upon which payment has been waived shall be distributed among the parcels as if the parcels were being covered by a contract for the first time. The contracts for the new parcels shall include the distributed waivers. The parties may request such distribution of the county assessor, county farm advisor, county agricultural commissioner or such other persons or agencies as agreed to by the parties. In no event shall the total of the waivers in the contracts covering the new parcels exceed the amount of the waiver in the contract covering the land from which the parcels were created.

SEC. 11. Section 51261.2 is added to the Government Code, to read:

51261.2. The payments referred to in Section 51261 shall not be paid on any increase of assessed valuation attributable to agricultural or compatible use factors. The parties may designate the county assessor, county farm advisor, county agricultural commissioner or such other persons or agencies as agreed to by the parties to distribute any increase of assessed

valuation between agricultural and compatible use factors and all other factors.

SEC. 12. Section 51261.3 is added to the Government Code, to read:

51261.3. The amount of assessed valuation on which the landowner has waived payment shall be adjusted in the following circumstances:

(a) Changes in assessed valuation resulting from a change in the publicly announced county ratio of assessed to full cash value in which situation the amount of assessed valuation on which the landowner has waived payment shall be adjusted in the same proportion as the change of ratio.

(b) Changes in assessed valuation resulting from the statement of the State Board of Equalization as provided for in Section 1823 of the Revenue and Taxation Code, in which situation the amount of assessed valuation on which the landowner has waived payment shall be adjusted in the same proportion as the change required by the statement.

SEC. 13. Section 51283 of the Government Code is amended to read:

51283. (a) Upon the cancellation of any contract, and as soon thereafter as the land to which it relates is reassessed by the assessor, the landowner shall pay to the county treasurer, as deferred taxes, an amount equal to 50 percent of the new equalized assessed valuation of the property; provided, however, if after the date the contract was initially entered into the publicly announced county ratio of assessed to full cash value is changed, the percentage payment in this subdivision shall be changed so no greater percentage of full cash value will be paid than would have been paid had there been no change in ratio.

(b) If the State Board of Agriculture recommends that it is in the public interest to do so, and the Director of Agriculture so finds, the director may waive any such payment or any portion thereof, or may make such payment or a portion thereof contingent upon the future use made of the land and its economic return to the landowner for a period of time not to exceed the unexpired period of the contract, had it not been canceled, provided:

(1) The cancellation is caused by an involuntary transfer or change in the use which may be made of the land and the land is not immediately suitable, nor will be immediately used, for a purpose which produces a greater economic return to the owner; and

(2) The city or county has recommended to the State Board of Agriculture that no such payment be required, or that the deferment of such payment or portion thereof be allowed, and the board has determined it is in the best interests of the program to conserve agricultural land use that such payment be either deferred or not required.

(c) When the deferred taxes required by this section are collected, the county treasurer shall distribute the taxes to each

taxing agency existing in the fiscal year of collection in the tax code areas in which the parcels of the property are located. The amount of taxes on all parcels in the same tax code area shall be determined. The taxes for each tax code area shall be distributed in the same proportion that each taxing agency's tax rate in the fiscal year of collection bears to the total tax rate of the code area in the fiscal year of collection.

SEC. 13.1. Section 51283.3 is added to the Government Code, to read:

51283.3. Notwithstanding any other provisions of the Revenue and Taxation Code any payments required by Section 51283 shall not create or impose a lien or charge on the land subject to the canceled contract for such payments if (1) the land under the canceled contract has been transferred or conveyed to a bona fide purchaser for value either prior to the date of the reassessment and the showing thereof on the secured roll with the date of entry specified thereon where payments have not been waived or prior to the date of the occurrence of the contingency upon which the director waived any payment, or (2) the land under the canceled contract is subject to a lien of a bona fide encumbrance for value created and attaching prior to the date of the reassessment and the showing thereof on the secured roll with the date of entry specified thereon where payments have not been waived or prior to the date of the occurrence of the contingency upon which the director waived any payments, or (3) the payments were contingently waived by the director. In such cases where payments have not been waived the assessor or tax collector may record with the county recorder of the county in which the land under canceled contract is located a certificate which shall set forth the name of the person who was the assessee in the year in which the land under canceled contract was reassessed, the amount of any such payments, the contingency of any waiver of payments by the Director of Agriculture and a description of the property. In such cases where the payments have been waived until the occurrence of a contingency upon the occurrence of the contingency the assessor or tax collector may record with the county recorder of the county in which the land under canceled contract is located a certificate which shall set forth a description of the property, the name of the person who was the assessee in the year in which the contingency occurred, the contingency and the occurrence of the contingency, the amount of such payments waived by the Director of Agriculture until the occurrence of the contingency. From the date of the recording of such certificate a lien shall be created and attach against any real property owned by such person in the county in which the certificate may have been recorded which lien shall have the force, effect and priority of a judgment lien.

Upon the collection of all or any portion of the payment, the tax collector shall record with the county recorder a written

certificate of the release of all or any portion of the real property subject to any lien created by this section.

SEC. 13.5. Section 51291 of the Government Code is amended to read:

51291. (a) As used in this section, Section 51292, and Section 51295 "public agency" means the state, or any department or agency thereof, and any county, city, school district, or other local public district, agency, or entity; and "person" means any person authorized by Section 1001 of the Civil Code to acquire property by eminent domain.

(b) Whenever it appears that land within an agricultural preserve may be required by a public agency or person for a public use, the public agency or person shall advise the Director of Agriculture and the local governing body responsible for the administration of the preserve of the intention to consider the location of a public improvement within the preserve.

Within 30 days thereafter the Director of Agriculture and the local governing body shall forward to the public agency or person concerned their comments with respect to the effect of the location of the public improvement on the land within the agricultural preserve and such comments shall be considered by the public agency or person. Failure of any public agency or person to comply with the requirements of this section shall not invalidate any action by such agency or person to locate a public improvement within an agricultural preserve. However, such failure by any person or any public agency other than a state agency shall be admissible in evidence in any litigation for the acquisition of such land or involving the allocation of funds or the construction of the public improvement. This subdivision does not apply to the erection, construction, alteration or maintenance of gas, electric, water, or communication utility facilities within an agricultural preserve if that preserve was established after submission of the location of such facilities to the city or county for review or approval.

SEC. 14. Section 51293.1 is added to the Government Code, to read:

51293.1. Any public agency or person requiring land in an agricultural preserve for a use which has been determined by a city or county to be a "compatible use" pursuant to Section 51201(e) in that agricultural preserve shall not be excused from the provisions of Section 51291(b) if the agricultural preserve was established before the location of the improvement of a public utility was submitted to the city, county, or Public Utilities Commission for agreement or approval and such compatible use shall not come within the provisions of Section 51293 unless the location of such improvement is approved or agreed to pursuant to Section 51293(a) or the compatible use is listed in Section 51293.

SEC. 15. Section 51295 of the Government Code is amended to read:

51295. When any action in eminent domain for the condemnation of the fee title of any land under contract is filed or when such land is acquired in lieu of eminent domain for a public improvement by a public agency or person or whenever there is any such action or acquisition by the federal government or any person, instrumentality or agency acting under authority or power of the federal government, such contract is null and void as to the land actually being condemned or so acquired as of the date the action is filed or so acquired and thereafter the contract shall not be binding on any party to it.

SEC. 16. If Assembly Bill No. 1958 is enacted by the Legislature at its 1967 Regular Session, Section 1.1 of this bill, Assembly Bill No. 1725, will supersede Section 1 of Assembly Bill No. 1958.

CHAPTER 1372

An act to amend Section 59086 of the Agricultural Code as proposed by Senate Bill No. 1, relating to agricultural marketing.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 59086 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

59086. A marketing order shall not be submitted for reapproval until one year after the original enactment, or within one year of any prior approval. However, if no provision is made in any marketing order for reapproval or for termination in less than five years, the director shall at least once each five years hold a hearing, duly noticed and held in accordance with the provisions of this chapter. If the director finds after the hearing that a substantial question exists as to whether such marketing order is contrary to, or does not effectuate the declared purposes or provisions of this chapter within the standards and subject to the limitations and restrictions which are imposed in this chapter, such marketing order shall be submitted for reapproval. The vote for reapproval shall be the same as used for original approval of a marketing order. The director shall determine whether such approval shall be by assent or referendum. An amendment to a marketing order which extends the term thereof shall be deemed a reapproval of the marketing order. A marketing order which within five years prior to the effective date of this act has been amended to fix or extend its term shall be deemed to have been duly reapproved.

CHAPTER 1373

An act to add Section 851.7 to, and to amend Sections 1203.45, 11105.5, and 11116 of, the Penal Code, relating to sealing of criminal records.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 851.7 is added to the Penal Code, to read:

851.7. (a) Any person who has been arrested for a misdemeanor, with or without a warrant, while a minor, may, during or after minority, petition the court in which the proceedings occurred or, if there were no court proceedings, the court in whose jurisdiction the arrest occurred, for an order sealing the records in the case, including any records of arrest and detention, if any of the following occurred:

(1) He was released pursuant to paragraph (1) of subdivision (b) of Section 849.

(2) Proceedings against him were dismissed, or he was discharged, without a conviction.

(3) He was acquitted.

(b) If the court finds that the petitioner is eligible for relief under subdivision (a), it shall issue its order granting the relief prayed for. Thereafter, the arrest, detention and any further proceedings in the case shall be deemed not to have occurred, and the petitioner may answer accordingly any question relating to their occurrence.

(c) This section applies to arrests and any further proceedings that occurred before, as well as those that occur after, the effective date of this section.

(d) This section does not apply to any person taken into custody pursuant to Section 625 of the Welfare and Institutions Code, or to any case within the scope of Section 781 of such code, unless after a finding of unfitness for the juvenile court or otherwise, there were criminal proceedings in the case, not culminating in conviction. If there were criminal proceedings not culminating in conviction, this section shall be applicable to such criminal proceedings if such proceedings are otherwise within the scope of this section.

(e) This section does not apply to arrests for, and any further proceedings relating to, any of the following:

(1) Offenses for which registration is required under Section 290.

(2) Offenses under Division 10 (commencing with Section 11000) of the Health and Safety Code.

(3) Offenses under the Vehicle Code or any local ordinance relating to operation or stopping, standing, or parking of a vehicle.

SEC. 2. Section 1203.45 of the Penal Code is amended to read:

1203.45. (a) In any case in which a person was under the age of 21 years at the time of commission of a misdemeanor and is eligible for, or has previously received, the relief provided by Section 1203.4 or Section 1203.4a, such person, in a proceeding under Section 1203.4 or Section 1203.4a, or a separate proceeding, may petition the court for an order sealing the record of conviction and other official records in the case, including records of arrests resulting in the criminal proceeding, and including records relating to other offenses charged in the accusatory pleading, whether defendant was acquitted or charges were dismissed. If the court finds that such person was under the age of 21 at the time of the commission of the misdemeanor, and is eligible for relief under Section 1203.4 or Section 1203.4a, or has previously received such relief, it may issue its order granting the relief prayed for. Thereafter such conviction, arrest, or other proceeding shall be deemed not to have occurred, and the petitioner may answer accordingly any question relating to their occurrence.

(b) This section applies to convictions which occurred before, as well as those which occur after, the effective date of this section.

(c) This section shall not apply to offenses for which registration is required under Section 290 of this code, to violations of Division 10 (commencing with Section 11000) of the Health and Safety Code, or to misdemeanor violations of the Vehicle Code relating to operation of a vehicle or of any local ordinance relating to operation, standing, stopping, or parking of a motor vehicle.

(e) This section does not apply to a person convicted of more than one offense, whether the second or additional convictions occurred in the same action in which the conviction as to which relief is sought occurred or in another action, unless:

(1) One of the offenses includes the other or others; or

(2) The other conviction or convictions were for (i) misdemeanor violations of Chapters 1 (commencing with Section 21000) through 9 (commencing with Section 22500) or Chapter 12 (commencing with Section 23100), Chapter 13 (commencing with Section 23250), or Chapter 14 (commencing with Section 23340) of Division 11 of the Vehicle Code, other than Sections 23101 through 23108 and Section 23121, or (ii) violation of any local ordinance relating to operation or stopping, standing or parking of a motor vehicle; or

(3) The other conviction or convictions consisted of any combination of (1) and (2).

SEC. 3. Section 11105.5 of the Penal Code is amended to read:

11105.5. When the Bureau of Criminal Identification and Investigation receives a report that the record of a minor has been sealed under Section 851.7 or Section 1203.45 of the Penal Code, it shall send notice of that fact to all officers and agen-

cies that it had previously notified of the arrest or other proceedings against the minor.

SEC. 4. Section 11116 of the Penal Code is amended to read:

11116. Whenever a criminal complaint or accusation is filed in any superior, municipal or justice court, the clerk, or, if there be no clerk, the judge of that court shall furnish a report of the disposition of such case to the sheriff, police department or other law enforcement agency primarily responsible for the investigation of the crime alleged, in a form and manner prescribed or approved by the Bureau of Criminal Identification and Investigation.

"Disposition," as used herein, includes any discharge or commitment of the defendant in a preliminary hearing and any judgment after conviction, judgment of acquittal, order of dismissal or other order or judgment which terminates a criminal case.

Whenever a court shall dismiss the accusation or information against a defendant under the provisions of Section 1203.4 of this code, and whenever a court shall order the record of a minor sealed under the provisions of Section 851.7 or Section 1203.45 of this code, the clerk, or, if there be no clerk, the judge of that court shall furnish a report of such proceedings to the Bureau of Criminal Identification and Investigation and shall include therein such information as may be required by said bureau.

CHAPTER 1374

An act to amend Section 13861 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 13861 of the Education Code is amended to read:

13861. Service rendered prior to July 1, 1956, shall be credited according to the provisions of this chapter (commencing with Section 13801) which were applicable prior to such date or in a manner prescribed by the board. With respect to time served after June 30, 1956, by persons included in classifications of employees whose normal tours of duty extend throughout the school year as contrasted with the school term, the board shall credit one year of service for 10 months or more of service rendered by persons employed on a monthly basis, and for 215 days or more of service rendered by persons employed on a per diem basis. With respect to time served after June 30, 1956, by persons included in classifications of employees whose normal tours of duty extend throughout the

school term as contrasted to the school year, and do not exceed 180 days of service, the board shall credit one year of service for 145 days or more of service rendered by persons employed on a per diem basis, which shall include persons whose compensation is normally paid in monthly installments and fixed by annual contract. With respect to time served after June 30, 1956, by persons included in classifications of employees whose normal tours of duty extend during any year throughout other periods, the lengths of which fall between those of the school year and school term of 180 days of service, the board may fix the minimum numbers of months and days, as the case may be, upon the basis of which a year of service shall be credited, but the relationship of such minima to the normal time worked by persons who are not absent from duty, in such periods shall agree generally with the relationship between the normal time worked by persons who are not absent from duty, in the respective periods and minima in the two preceding sentences; provided, that no minimum shall be less than 145 days of service.

CHAPTER 1375

An act to amend Section 11422.1 of the Government Code, relating to state and local government.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 11422.1 of the Government Code is amended to read:

11422.1. (a) No regulation adopted as an emergency shall remain in effect more than 120 days unless the adopting agency has complied with Sections 11423, 11424, and 11425, prior to the adoption of the emergency regulation, or has, within said 120-day period, given notice of the adoption of the emergency regulation in a manner substantially similar to that required for the proposed adoption of a regulation and has afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that required by Section 11425. The agency shall, prior to the expiration of the 120-day period, transmit to the department for filing with the Secretary of State and with the Rules Committee of each house of the Legislature, a certification that either Sections 11423, 11424, and 11425 were complied with prior to adoption, or that compliance was had with this section within the said period.

(b) In the event an emergency regulation was filed as an amendment of an existing regulation, upon failure of the adopting agency to file a certificate of compliance as provided in (a) above, the regulation as it existed prior to such emer-

gency amendment shall thereupon become effective and, after notice to the adopting agency by the Office of Administrative Procedure, shall be reprinted in the California Administrative Code in the place of such emergency amendment.

(c) In the event a regulation is originally adopted and filed as an emergency and the adopting agency fails to file a certificate of compliance as provided in (a) above, such failure shall constitute a repeal thereof and, after notice to the adopting agency by the Office of Administrative Procedure, shall be deleted from the California Administrative Code.

CHAPTER 1376

An act to amend Section 10557 of the Health and Safety Code, relating to birth certificates.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967]

The people of the State of California do enact as follows:

SECTION 1. Section 10557 of the Health and Safety Code is amended to read:

10557. The order shall be made in the form and upon the blank prescribed and furnished by the State Registrar and shall become effective upon a filing of a certified copy with the State Registrar.

Every order determining the date of birth made pursuant to this chapter shall establish a presumption that the matter contained therein is a true and accurate statement of the time of birth. The presumption established by this section is a presumption affecting the burden of proof.

CHAPTER 1377

An act to amend Section 7522 of the Business and Professions Code, relating to private investigators and adjusters.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 7522 of the Business and Professions Code is amended to read:

7522. This chapter does not apply to:

(a) A person employed exclusively and regularly by one employer in connection with the affairs of such employer only and where there exists an employer-employee relationship.

(b) An officer or employee of the United States of America, or of this state or a political subdivision thereof, while such officer or employee is engaged in the performance of his official duties; including a peace officer in part-time private patrol employment, provided such part-time employment does not exceed 50 hours in any calendar month.

(c) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

(d) A charitable philanthropic society or association duly incorporated under the laws of this state which is organized and maintained for the public good and not for private profit.

(e) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (1) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (2) must be not less than 21 years of age nor more than 40 years of age, (3) must possess physical qualifications prescribed by the commission, and (4) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(f) An attorney at law in performing his duties as such attorney at law.

(g) A licensed collection agency or an employee thereof while acting within the scope of his employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his property where the contract with an assignor creditor is for the collection of claims owed or due or asserted to be owed or due or the equivalent thereof.

(h) Admitted insurers and agents and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them.

(i) The legal owner of personal property which has been sold under a conditional sales agreement or a mortgagee under the terms of a chattel mortgage.

(j) Any bank subject to the jurisdiction of the Superintendent of Banks of the State of California or the Comptroller of Currency of the United States.

CHAPTER 1378

An act to amend Sections 26401, 26402, 26404, 26452, and 26501 of the Education Code, relating to special schools for handicapped children.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 26401 of the Education Code is amended to read:

26401. There are two schools for neurologically handicapped children known and designated as Diagnostic School for Neurologically Handicapped Children, Northern California, and Diagnostic School for Neurologically Handicapped Children, Southern California.

SEC. 2. Section 26402 of the Education Code is amended to read:

26402. The diagnostic schools for neurologically handicapped children are a part of the school system of the state, except that they derive no revenue from the Public School Fund, and have for their object diagnosis, and the determination of the treatment, and educational program of children with neurological handicaps. These schools provide temporary residence for children, who, by reason of their handicaps, need educational diagnostic services not available in regular public school classes.

SEC. 3. Section 26404 of the Education Code is amended to read:

26404. The Director of Education in relation to the diagnostic schools for neurologically handicapped children shall:

(a) Prescribe rules for the government of the schools.

(b) Appoint the superintendents and other officers and employees.

(c) Remove for cause any officer, teacher or employee.

(d) Fix the compensation of teachers.

(e) Determine the length of, and the time for, vacations of teachers.

(f) Contract with the University of California or with other public or private hospitals or schools of medicine for the establishment and maintenance of diagnostic service and treatment centers for neurologically handicapped children.

SEC. 4. Section 26452 of the Education Code is amended to read:

26452. The Director of Education may, in cooperation with an accredited college or university, authorize the California schools for neurologically handicapped children to establish and maintain teacher training courses designed to prepare teachers to instruct neurologically handicapped children in special classes in the public school system. The Director of

Education, in cooperation with an accredited college or university, shall prescribe standards for the admission of persons to the courses, and for the contents of the courses Courses conducted in the schools shall be counted toward requirements of a credential in the area of the educationally handicapped upon the establishment of such a credential.

SEC. 5. Section 26501 of the Education Code is amended to read:

26501. Every resident minor in California, of suitable age and capacity, as determined by means of diagnosis at the diagnostic and treatment schools for neurologically handicapped children, is entitled to enrollment in a school for neurologically handicapped children, free of charge.

Children with neurological handicaps, not residents of California, may be admitted to the benefits of the schools upon paying to the State Department of Education, quarterly in advance, the actual support cost at the average cost of maintaining pupils in the school for the period in question. This cost shall be determined by the Department of Education with the approval of the Department of General Services.

CHAPTER 1379

An act to add Sections 845 and 845.5 to, and to repeal Section 845 of, the Insurance Code, relating to the sale of insurance securities.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 845 of the Insurance Code is repealed.

SEC. 2. Section 845 is added to the Insurance Code, to read:

845. (a) No person may sell or resell any security of a domestic, foreign, or alien insurer:

(1) As an insurer with respect to securities of its own issue without securing the permit of the commissioner as provided in this article.

(2) As an agent of such insurer except under authority of a certificate issued by the commissioner under this code.

(3) As a broker or as an agent for a broker except under authority of a certificate or license issued by the Commissioner of Corporations under the provisions of the Corporations Code and in full conformity with all provisions of the Corporations Code.

(b) Subdivision (a) shall not prohibit a bona fide owner of securities of an insurer from selling or reselling such securities if:

(1) Such securities were originally issued under the authority of a permit of the commissioner and such sale or resale is made in conformity with the conditions, if any, in such permit effective at the time of such sale or resale; or

(2) Such securities were originally issued in a jurisdiction other than California in full conformity with the applicable laws, if any, governing such issuance in such jurisdiction.

A sale or resale of securities of an insurer by the owner of the securities which is made for the purpose of evading the provisions of this article requiring an insurer to secure a permit from the commissioner or for any other fraudulent purpose shall, however, be null and void and a violation of the criminal provisions of this article.

(c) Any sale or resale permitted by this section is subject to the stop power of the commissioner under Section 854 and the similar powers of the Commissioner of Corporations pursuant to the provisions of the Corporations Code.

(d) Any violation of this section is subject to the penalties provided in Section 833.

SEC. 3. Section 845.5 is added to the Insurance Code, to read:

845.5. The certificate required by Section 845 to act as an agent of an insurer shall be accrued as provided in Section 846 and shall expire on the first day of July after its issue, unless sooner suspended or revoked.

The permission granted by Section 845 to persons holding certificates or licenses issued by the Commissioner of Corporations does not affect the provisions of this article requiring that an insurer and that an agent appointed by an insurer secure a permit or certificate from the commissioner to issue, sell or resell securities and such issue, sale or resale and the advertising thereof is subject to the provisions of this article, nor does such section permit an owner of securities to sell or resell the same except in conformity with such section and this article.

CHAPTER 1380

An act to add Chapter 5 (commencing with Section 43801) to Division 17 of, and to repeal Chapter 5 (commencing with Section 43801) of Division 17 of, the Agricultural Code, as proposed by Senate Bill No. 1, relating to apples.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 (commencing with Section 43801) of Division 17 of the Agricultural Code, as proposed by Senate Bill No. 1, is repealed.

SEC. 2. Chapter 5 (commencing with Section 43801) is added to Division 17 of the Agricultural Code, as proposed by Senate Bill No. 1, to read:

CHAPTER 5. APPLES

Article 1. Standard Apple Grades

43801. Except as otherwise provided in this chapter, apples shall conform to the standards that are prescribed in this article.

43802. The grades which are established by this article are the standard grades for apples. The "extra fancy" is the highest, "fancy" the next highest, and "C" grade the lowest of such grades.

43803. The "extra fancy" grade consists of well grown, properly matured but not overripe apples of one variety which are handpicked, clean, well colored, fairly well formed, free from decay, visible Baldwin spot, Jonathan spot, scald, internal breakdown, visible watercore, bruises (except such bruises as are necessarily caused in proper sorting or packing), broken skin, insect pests, limb rub, spray burn, sunburn, sunscald, russeting except within the basin of the stem, drought spot, hail mark, frost injury, internal browning, apple scab, insect stings and other diseases or defects.

43804. The "fancy" grade consists of well grown, properly matured but not overripe apples of one variety which are handpicked, clean, fairly well colored, fairly well formed, free from decay, visible Baldwin spot, Jonathan spot, soft scald, internal breakdown, visible watercore, broken skin, and insect pests (except San Jose and similar scales); and free from appreciable damage caused by limb rub, spray burn, bruises, sunscald, sunburn, russeting, drought spot, hail mark, frost injury, internal browning, apple scab, flyspeck fungus, stem or calyx cracks, insect pests, and other diseases or defects.

43805. As used in this article "appreciable damage" means any injury or defect which appreciably affects the appearance or quality of the apple. The following defects are not appreciable damage:

(a) Limb rubs that are not soft or do not exceed an aggregate area of three-fourths inch in diameter.

(b) Sunscald, sunburn, and spray burn if the normal color of the skin is but slightly changed, and there is no blistering or cracking of the skin, and not more than a trace of discoloration in the flesh.

(c) Russeting that is excessively rough or barklike, and the aggregate area does not exceed three-fourths inch in diameter.

Russeting that is not excessively rough, and does not appear on more than 15 percent of the surface of any one apple in the aggregate, except in the case of all Pippins and Greenings, when it does not appear on more than 25 percent of the surface of any one apple in the aggregate.

Russeting in the stem cavity that cannot be seen when the apple is placed, stem end down on a flat surface, and viewed from the side of the apple at eye level, shall not be considered when determining the degree of damage due to russeting.

(d) Drought spots where the surface of the apple is only slightly discolored, depressed, and is no more than three-sixteenths of an inch in depth or affects an aggregate area not to exceed one-half inch in diameter.

(e) Hail marks if such marks do not exceed two in number on any one apple and the injury is superficial and the skin has not been broken.

(f) Frost injury that is not more than skindeep and affects an aggregate area that does not exceed one-half of an inch in diameter.

(g) Internal browning that shows not more than a trace of discoloration in the flesh.

(h) Scab spots on any apple that in the aggregate do not exceed one-fourth of one inch in diameter.

(i) Slight flyspeck fungus.

(j) Two well-healed case bearer, codling moth, or aphid stings on an apple, neither of which exceed one-eighth of an inch in diameter exclusive of any encircling green ring.

(k) Stinkbug injury that does not exceed an aggregate area of three-fourths inch diameter on an individual apple.

(l) San Jose and similar scales or marks when the number occurring on a green or yellow surface does not exceed three, or when occurring on a red surface not to exceed five.

(m) Stem or calyx cracks that are well healed and do not exceed one-fourth inch in aggregate length.

(n) Bruises: "soft wet bruises" one inch in aggregate area, or "dry tissue bruises" two inches in aggregate area, providing the damaged tissue does not exceed one-eighth inch in depth.

43806. The "C" grade consists of properly matured but not overripe apples of one variety which are handpicked, virtually clean, free from decay, soft scald, internal breakdown, visible watercore, broken skin, and insect pests (except San Jose and similar scales); and free from serious damage caused by visible Baldwin spot, Jonathan spot, sunscald, sunspots, sunburn, spray burn, hail marks, frost injury, internal browning, bruises, apple scab, insect pests, stem or calyx cracks, storage scald, Jonathan freckle, and other diseases and defects.

43807. As used in this article, "serious damage" means any injury or defect that seriously detracts from the appearance or quality of the apple. The following defects are not serious damage:

(a) Jonathan spot or Baldwin spot, that affects apples of the Newtown Pippin and Bellefleur varieties if no more than 25 percent, by count, of such apples in any one container or bulk lot are affected by no more than three spots each of either or both of such defects. Jonathan spot or visible Baldwin spot in any extent is serious in all other varieties of apples.

(b) Sunscald, sunburn, sunspots and spray burn, if there is no blistering or cracking of the skin or where the flesh is not seriously discolored or injured.

(c) Hail marks or frost injury, when such defects do not cover more than an aggregate area of one-tenth of the surface of the apple or materially deform or disfigure the fruit.

(d) Internal browning. that cannot be detected by external examination or pressure.

(e) Scab spots on any one apple that in the aggregate do not exceed one-half of one inch in diameter.

(f) Five well-healed casebearer, codling moth, or aphid stings on an apple, none of which may exceed one-eighth of an inch in diameter exclusive of any encircling green ring.

(g) Stinkbug injury that does not exceed an aggregate area of one and one-half inch diameter on an individual apple.

(h) Jonathan freckle on any one apple that in the aggregate does not exceed one-half of one inch in diameter.

(i) San Jose and similar scales or marks thinly scattered over not to exceed 10 percent of the surface.

(j) Stem or calyx cracks that are well healed and do not exceed one-half inch aggregate length.

(k) Bruises: "soft wet bruises" one inch in aggregate area, or "dry tissue bruises" two inches in aggregate area, providing the damaged tissue does not exceed one-eighth inch in depth.

Article 2. Definitions

43831. "Consumer-type package" means any closed container or package which will not hold more than 15 pounds net when full.

All apples in consumer-type packages shall conform to one of the following grades: extra fancy, fancy, or a combination grade of extra fancy and fancy, as defined in Article 1 (commencing with Section 43801) of this chapter.

43832. "Cross section" means that section of the apple which is taken at a right angle to a straight line drawn from the stem end to the blossom end of the apple.

43833. "Wrapped" means individual apples that are completely enclosed by a wrapper.

43834. "Handpicked" means that the apples do not show evidence of rough handling or of having been on the ground.

43835. "Insect pests" include San Jose scale, codling moth, and other insects or the larvae, nymphs, or pupae of them, and any apple which has been infested with codling moth and bears evidence of such infestation, with the exception of superficial well-healed codling moth stings.

43836. "Broken skin" includes all stem punctures and all cracks on the stem or calyx end of the apple and is considered a defect in all grades when unhealed and:

(a) The break exceeds one-eighth of an inch in diameter, or

(b) The break exceeds one-eighth of an inch in depth, or

(c) Individual breaks aggregate more than three-sixteenths inch in diameter.

43837. "Place packed" means that the apples are not wrapped and are arranged compactly in layers throughout the container. Such apples need not be uniform in size or in count between the layers.

43838. "Properly matured" means that the apple to which it refers, at the time it was taken from the tree, had reached that stage of minimum maturity, based upon the known and defined factors of maturity, which will insure palatability and the proper completion of the ripening process.

43839. "Minimum diameter" means that the size of apples shall be determined by measurement of the widest cross section of the apple.

43840. "Uniform in size" means: (a) Apples in containers containing 125 apples or less do not vary in size more than three-eighths of an inch at the widest cross section.

(b) Apples in containers containing 138 apples or more do not vary in size more than one-fourth of an inch at the widest cross section.

43841. "Well packed" means packed in regular, compact, diagonal arrangement of all of the fruit in any container, the fruit being compacted, at the time of packing, with sufficient solidity so that it will not move in the container when lidded, the top and bottom of the standard wooden box, when lidded, having a bulge of not less than one-half inch, and, where wrappers are used, all of the apples in the box are wrapped.

Article 3. Tolerances

43861. Tolerances are as follows: 10 percent of the apples in any lot may fail to meet the requirements of the standard grades, but not more than one-half of this amount shall be allowed for one defect. When a tolerance of 10 percent is provided, individual packages in the lot may have not more than double the tolerance specified, provided that the average for the entire lot is within the tolerance specified for the grade. When applying these tolerances to the combination grade, they shall apply only to the lowest grade. An additional tolerance of 5 percent shall be permitted for those apples failing to meet requirements of "minimum size" or "uniform in size."

43862. If apples are in combination of two grades all of the apples in the container or bulk lot shall meet the requirements of the lower grade and at least 50 percent, by count, shall conform to the requirements of the higher grade.

Article 4. Standards Generally

43871. Except as otherwise provided in Section 43872, apples shall be packed to comply with one of the following grades: extra fancy, fancy, "C" grade, or to a combination grade of extra fancy and fancy.

43872. Notwithstanding the provisions of Sections 43871, 43873, 43931 to 43954, and 43991 to 44037, inclusive, of this chapter and in addition to such requirements:

(a) All varieties of Gravenstein apples that are intended for shipment to, or sale within, the North American continent shall conform to one of the following grades: extra fancy, fancy, or a combination grade of extra fancy and fancy, as defined in Article 1 (commencing with Section 43801) of this chapter.

43873. Apples of a standard grade or combination of such grades shall be of such size that the apple will not pass through a ring $2\frac{1}{4}$ inches in diameter. This size requirement does not apply to apples which are well packed, Lady apples, crab apples, or to apples of "C" grade which are loose.

43874. Notwithstanding the provisions of Sections 43803, 43804, and 43806, apples in a container at a retail establishment in possession of the producer for the purpose of resale directly to consumers may be of more than one variety.

Article 5. Maturity Standards Generally

43891. Apples of the varieties Alexander, Red Astrachan, White Astrachan, Beitigheimer, White Winter Pearmain, Greening, Bellefleur, and Fall Pippin need not be properly matured in order to meet the requirements of any grade except extra fancy.

43892. The director may promulgate and establish regulations for minimum maturity standards for Gravenstein varieties of apples. Such standards shall be based upon the known factors of maturity, including soluble solids content of the juice, pressure tests, sizes, color, condition of the flesh, or other recognized methods of measuring the maturity of apples, which will insure that such apples are properly matured.

43893. The following sections of this article are effective only in the counties, or districts within a county, where the apples are produced.

43894. The following provisions of this article shall not be made effective with respect to varieties of apples that are regulated as to maturity by specific standards elsewhere in this article.

43895. The provisions of this article do not apply to apples that are shipped into this state from outside of the state. Such apples shall, however, be properly matured as required in Article 1 (commencing with Section 43801) of this chapter or shall be accompanied by an official certificate that states such apples, at the time of harvest, met the maturity requirements of the state of origin.

43896. As to apples that are produced in this state, the commissioners, under the supervision of the director, may determine, prior to the harvesting season, that apples of designated varieties in any area, county, or district within a county are, or will be, considered to be properly matured on a specified date, such date shall be announced by the commissioners. Designation of varieties shall be on the basis of availability of

adequate data covering the known factors that determine maturity. The determination as to maturity shall be based upon known factors of maturity, and may include soluble solids content of the juice, pressure test, size, color, condition of the flesh, or other recognized methods of measuring the maturity of apples.

43897. The director may adopt regulations to establish minimum maturity standards for apples of designated varieties in any area, county, or district within a county.

43898. Dates of maturity shall be established by the commissioners, under the supervision of the director, for areas, counties, or districts within counties, taking into consideration location, climatic conditions, or other factors that are known to produce apples that vary as to the dates of maturity. Such date of maturity shall be based upon an investigation which includes the testing of the apples from representative orchards in each area and shall be set when such tests generally indicate that the apples in each such area are, or will be, properly matured. The commissioners shall prepare records, based on the factors of maturity that are used each year, and submit a copy to the director.

43899. If the enforcing officers find that apples in certain orchards in an area, county, or a district within a county, do not meet the minimum standards of maturity as prescribed by the director, the apples in such orchards shall not be harvested until released by the enforcing officer.

43900. Notwithstanding the provisions of Article 1 (commencing with Section 43251) of Chapter 3 of this division, apples which are being transported to another county or district within a county for grading or packing shall be properly matured before such movement.

43901. It is unlawful for any person to cause to be transported for grading or packing apples which are grown in this state to another county or district within a county unless an enforcing officer has issued a disposal order to such person. The requirement that each load of such apples be accompanied by a disposal order does not, however, apply if all districts have been released.

Article 6. Exceptions for Apples for Byproduct Use

43931. This division does not prohibit any person, with a permit issued pursuant to this article, from transporting out of the state, apples that fail to comply with the packing, container, marking, or quality requirements of this division if both of the following requirements are complied with:

(a) Such permit is issued for, and is attached to, each load or lot that is transported.

(b) The apples are loose in open containers or are in a bulk load.

43932. A permit may be issued by the commissioner of the county from which the apples are to be transported only if he

has verification by an official of the destination state, satisfactory to the commissioner, that the apples are to be delivered to a purchaser in such state for the manufacture of byproducts on the premises of the purchaser.

The verification shall include a statement by the official making it that, if the apples are so delivered, such official will report to the commissioner who issued the permit as to the byproducts use to which the apples that were transported under the permit were actually put by the purchaser of the apples.

Article 7. Exceptions for Gift Pack Apples

43951. Apples which are in containers that are labeled with the term "gift pack" shall conform to the "extra fancy grade," except that russeting on all Pippin varieties shall not be considered damage unless it would be "appreciable damage" for russeting in the fancy grade.

43952. The containers of apples that are labeled "gift pack" shall be of rigid construction, may contain mixed varieties of apples, and at least 75 percent of the contents of each such container shall be apples.

43953. Containers of apples labeled "gift pack" as provided in this article are exempt from other container and packing requirements in this chapter.

43954. Nothing in this article shall be construed to modify provisions of this division that relate to deception or mislabeling.

Article 8. Controlled Atmosphere Apples

43971. The director shall promulgate regulations, as necessary, to properly establish and maintain the identity of controlled atmosphere apples by storage operators and others that are engaged in the preparation and sale of such apples.

43972. It is unlawful for any person to prepare, pack, sell, or transport for sale any apples which are represented as having been exposed to "controlled atmosphere," or so use any such term or form of words or symbols of similar import on any container or lot of apples within this state, unless both of the following requirements have been complied with:

(a) Such apples have been kept in a room or storage building with not more than 5 percent oxygen for a minimum of 90 days.

(b) The oxygen level was reduced to 5 percent within 20 days after the date of the sealing of the apples in the storage room.

Article 9. Packing Requirements

43991. Apples that are well packed shall be uniform in size and shall be in clean, standard containers. Apples that are place packed shall be in clean containers. Apples of the Lady variety and crab apples are not required to meet packing requirements of this chapter.

Article 10. Apple Containers

44011. The director shall promulgate and establish regulations for standard containers for apples.

Article 11. Markings on Containers

44031. Except as otherwise provided in Section 43952 and Sections 44033 to 44037, inclusive, all containers of apples shall bear upon them in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person that first authorized the packing of the apples or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

(b) One of the grades, as defined in this chapter, or the equivalent U.S. grade.

(c) The minimum diameter when loose in containers, except when sold by producer directly to ultimate consumer on the premises where grown.

In addition, all closed containers shall be labeled with:

(d) Variety of the apples that are in the container, if known, or if not known "unknown variety."

(e) The minimum net weight or cubical contents or numerical count of the apples that are in the container.

Minimum diameter of the apples shall be plainly marked on the container in terms of whole inches and not less than eighth-inch fractions thereof; followed by the words "minimum diameter" or their abbreviations.

44032. A variation of five apples, more or less, than the number stated shall be allowed, except that if the apples are placed in molded forms, the exact count shall be marked on the container.

44033. Containers of gift packed apples shall be conspicuously marked on one outside surface, excluding the bottom surface, with all of the following information:

(a) The name of the person that first packed or authorized the packing of such gift pack apples together with a sufficiently explicit address to permit ready location of such packer.

(b) The net weight or count of the apples in the container.

(c) The words "gift pack" in letters not less than one inch in height.

44034. Consumer-type packages are required to show only the name and address of the person that first packed or authorized the packing of the apples, and the designation of grade.

44035. All master containers, containing consumer packages of apples, are required to show the following information:

(a) Name and address of the person that first packed or authorized the packing of the apples.

(b) Variety.

(c) Grade.

44036. Apples of the Lady variety and crab apples are exempt from the grade markings of this article.

44037. In lieu of the standard grade markings required by this article, any container of apples may be marked with one of the grades established in the official United States standards for apples, if the apples conform to the grade as marked and the grades are approved by the director. The provisions of this section shall in no way permit apples to be of a lower grade or size requirement than the standards as required in Sections 43806, 43831, 43871, and 43873.

CHAPTER 1381

An act to add Chapter 6 (commencing with Section 19501) to Part 3 of Division 9 of the Agricultural Code, as proposed by Senate Bill No. 1, to amend Sections 14795 and 14796 of, and to repeal Sections 14794 and 14797 of, the Government Code, relating to slaughter of animals.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 19501) is added to Part 3 of Division 9 of the Agricultural Code, as proposed by Senate Bill No. 1, to read:

CHAPTER 6. SLAUGHTER

19501. After June 1, 1968, cattle, calves, horses, mules, sheep, swine, or goats shall be slaughtered by the methods prescribed in this section. All state agencies shall contract for, purchase, procure, or sell all or any portion of only such animals as are slaughtered in conformity with the provisions of this chapter. The provisions of this chapter shall apply to any person engaged in the business of slaughtering animals enumerated in this section, or any person slaughtering any such animal when all or any part of such animal is subsequently sold or used for commercial purposes.

For the purposes of this section, prescribed methods are defined to be the following:

All cattle, calves, horses, mules, sheep, swine, or goats shall be either:

(a) Rendered insensible to pain by a captive bolt, gunshot, electrical or chemical means, or any other means that is rapid and effective before being cut, shackled, hoisted, thrown, or cast; or

(b) Handled, prepared for slaughter, and slaughtered in accordance with ritual requirements of the Jewish or any other religious faith that prescribes a method of slaughter whereby

the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

19502. The regulations adopted under this chapter shall conform as far as possible to the regulations of the United States Department of Agriculture governing methods of slaughtering.

19503. The Department of Agriculture shall enforce the provisions of Section 19501 and is authorized and directed to perform the following duties:

Designate, on or before March 1, 1968, and at such times thereafter as it deems advisable, methods of slaughter and of handling in connection with slaughter, with respect to each species of livestock enumerated in Section 19501, which conform to the provisions of Section 19501. In addition, the department may designate other methods not specifically described in Section 19501. However, nothing in this section shall authorize the department to prohibit any method specifically permitted in Section 19501.

SEC. 2. Section 14794 of the Government Code is repealed.

SEC. 3. Section 14795 of the Government Code is amended to read:

14795. Every person who supplies any state agency with livestock products derived from any of the animals enumerated in Section 19501 of the Agricultural Code shall file with the Department of General Services a sworn statement that such animals were slaughtered by methods defined in such section and in Sections 19502 and 19503 of the Agricultural Code.

SEC. 4. Section 14796 of the Government Code is amended to read:

14796. To assist the Department of General Services and other state agencies in the enforcement of the provisions of Section 19501 of the Agricultural Code, the Department of Agriculture is authorized and directed to provide, through cooperation with the United States Department of Agriculture in the enforcement of Public Law 85-765 and by means of appropriate regulations, suitable methods of identifying the carcasses of animals inspected and passed under Chapter 4 (commencing with Section 18651) of Part 3 of Division 9 of the Agricultural Code that have been slaughtered by methods prescribed by Sections 19501, 19502, and 19503 of such code.

SEC. 5. Section 14797 of the Government Code is repealed.

CHAPTER 1382

An act to amend Section 12152 of the Education Code, relating to compulsory full-time education.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 12152 of the Education Code is amended to read:

12152. Children whose physical or mental condition is such as to prevent, or render inadvisable attendance at school or application to study shall be exempted, and the governing board of the school district shall require satisfactory evidence of the condition to be furnished.

CHAPTER 1383

An act to amend Section 31831.1 of the Government Code, relating to public retirement systems.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 31831.1 of the Government Code is amended to read:

31831.1. Any member who left county or district service and within 100 calendar days became a member of a retirement system established under this chapter in another county or of the State Employees' Retirement System, may elect deferred retirement pursuant to Article 9 of this chapter, provided that he redeposits, in the retirement fund of the county or district he left, the amount of any refund of contributions and interest he received from such retirement fund plus regular interest thereon from date of such separation, and provided further that he may not, after such election and redeposit, rescind such election or withdraw any of his accumulated contributions while a member of such other system of the county he entered within said 100 days. Upon such election and redeposition as described in this section, the member shall be entitled to the benefits provided in Sections 31830 through 31840, inclusive.

Notwithstanding anything in this section to the contrary, the 100 calendar days restriction referred to in this section shall not be applicable to any member who left county or district service prior to October 1, 1949. This paragraph shall become inoperative January 1, 1968.

SEC. 2. Section 31831.1 of the Government Code is amended to read:

31831.1. Any member who left county or district service, and within 100 calendar days became a member of a retirement system established under this chapter in another county or of the State Employees' Retirement System, may elect deferred retirement pursuant to Article 9 of this chapter, provided that he redeposits, in the retirement fund of the county or district he left, the amount of any refund of contributions and interest he received from such retirement fund plus regular interest thereon from date of such separation, and provided further that he may not, after such election and redeposit, rescind such election or withdraw any of his accumulated contributions while a member of such other system of the county he entered within said 100 days. Upon such election and redeposition as described in this section, the member shall be entitled to the benefits provided in Sections 31830 through 31840, inclusive.

The 100-calendar-day period provided for in this section does not include any time during which the member was prohibited by law from joining the retirement system of the other county.

Notwithstanding anything in this section to the contrary, the 100 calendar days restriction referred to in this section shall not be applicable to any member who left county or district service prior to October 1, 1949. This paragraph shall become inoperative January 1, 1968.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 329 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 329 takes effect, at which time Section 1 of this act is repealed.

CHAPTER 1384

An act to add Section 54951.1 to the Government Code, relating to meetings of local agencies.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 54951.1 is added to the Government Code, to read:

54951.1. For the purposes of this chapter, and to the extent not inconsistent with federal law, the term "local agency" shall include all private nonprofit organizations that receive public money to be expended for public purposes pursuant to the "Economic Opportunity Act of 1964" (P.L. 88-452; 78 Stat. 508).

CHAPTER 1385

An act to add Chapter 9 (commencing with Section 1750) to Division 2 of the Health and Safety Code, relating to emergency medical care.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 9 (commencing with Section 1750) is added to Division 2 of the Health and Safety Code, to read:

CHAPTER 9. EMERGENCY MEDICAL CARE COMMITTEES

Article 1. Formation

1750. An emergency medical care committee shall be established in each county in this state. Nothing in this chapter shall be construed to prevent two or more adjacent counties from establishing a single committee for review of emergency medical care in these counties.

1751. The first committee in each county shall be established by July 1, 1968.

Article 2. Duties

1755. The emergency medical care committee shall, at least annually, review the operations of each of the following:

(a) Ambulance services operating within the county.

(b) Emergency medical care offered within the county.

(c) First aid practices in the county.

CHAPTER 1386

An act to amend Sections 61933 and 62492 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to milk.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 61933 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

61933. The director is the instrumentality of this state for the purpose of administering and enforcing the provisions of this chapter and to execute the legislative intent which is expressed in this chapter, and is hereby vested with the administrative authority which is described in this chapter. Notwithstanding other laws to the contrary, in the event a milk market-

ing order under the jurisdiction of the United States Department of Agriculture or other appropriate federal agency, is created by referendum or under the applicable laws and procedures relating thereto, in this state or in any geographical area within this state, the provisions of this chapter or any part thereof which is in conflict with such federal order, or which is unnecessary or is a duplication thereof, shall be suspended in the geographical area covered by and during the existence of such federal order. The director shall take such steps and procedures as are necessary to wind up and conclude the administration and enforcement of the provisions of this chapter, or any part thereof, for the period prior to the suspension date.

SEC. 2. Section 62492 of the Agricultural Code as proposed by Senate Bill No. 1 is amended to read:

62492. The director shall terminate the minimum wholesale and minimum retail prices in effect in any marketing area without notice or hearing at any time that there ceases to be a stabilization and marketing plan in force and effect in such marketing area, unless minimum prices payable by distributors to producers for fluid milk in such marketing area or any portion thereof are subject to a federal milk marketing agreement or order, or to proceedings then pending before the Secretary of Agriculture for establishment of such federal milk marketing agreement or order. In the event minimum prices payable by distributors to producers for fluid milk in such marketing area or any portion thereof are subject to a federal milk marketing agreement or order, or to pending proceedings therefor, the director shall continue to prescribe and enforce minimum wholesale and minimum retail prices for fluid milk in such marketing area pursuant to the declaration and statement of facts, policy and provisions thereof, and particularly the provisions of this article, with the exception that in determining such minimum wholesale and minimum retail prices, the cost of raw product as provided for in subdivision (d) of Section 62479 shall be the adjusted prices payable by distributors to producers for fluid milk as provided for in the federal milk marketing agreement or order applicable to such marketing area, or, in the event proceedings for such federal milk marketing agreement or order are then pending but not complete, such cost of raw product shall continue to be, until the federal milk marketing agreement or order for such area becomes effective, the last minimum producer prices established by the director in a stabilization and marketing plan for such area prior to termination of such plan.

CHAPTER 1387

An act to amend Sections 1861 and 1861a of the Civil Code, relating to liens.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1861 of the Civil Code is amended to read:

1861. Hotel, motel, inn, boardinghouse, furnished apartment house and lodginghouse keepers shall have a lien upon the baggage and other property belonging to or legally under the control of their guests, boarders, tenants, or lodgers which may be in such hotel, motel, inn, or apartment, boarding or lodging house for the proper charges due from such guests, boarders, tenants, or lodgers, for their accommodation, board and lodging and room rent, and such extras as are furnished at their request, and for all money paid for or advanced to such guests, boarders, tenants, or lodgers, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property until such charges and moneys are paid; and unless such charges and moneys shall be paid within 60 days from the time when the same become due, said hotel, motel, inn, furnished apartment house, boardinghouse or lodginghouse keeper may sell said baggage and property at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such sale, pursuant to Section 6064 of the Government Code in the county in which said hotel, motel, inn, furnished apartment house, boardinghouse or lodginghouse is situated and also by mailing, at least fifteen (15) days before such sale, a copy of such notice addressed to such guest, boarder, tenant, or lodger at his post office address, if known, and if not known, such notice shall be addressed to such guest, boarder, tenant, or lodger at the place where such hotel, motel, inn, furnished apartment house, boardinghouse or lodginghouse is situated; and after satisfying such lien out of the proceeds of such sale together with any reasonable costs that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall upon demand made within six months after such sale, be paid by said hotel, motel, inn, furnished apartment house, boardinghouse, or lodginghouse keeper to such guest, boarder, tenant, or lodger; and if not demanded within six months from the date of such sale, such residue shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representatives, within one year thereafter, the same shall be

paid into the general fund of said county; and such sale shall be a perpetual bar to any action against said hotel, motel, inn, furnished apartment house, boardinghouse or lodginghouse keeper for the recovery of such baggage or property or of the value thereof, or for any damages growing out of the failure of such guest, boarder, tenant, or lodger to receive such baggage or property; provided, however, that if any baggage or property becoming subject to the lien herein provided for does not belong to the guest, lodger, tenant, or boarder who incurred the charges or indebtedness secured thereby, at the time when such charges or indebtedness was incurred, and if the hotel, motel, inn, furnished apartment house, boarding or lodging house keeper entitled to such lien receives notice of such fact at any time before the sale of such baggage or property hereunder, then, and in that event, such baggage and property which is subject to said lien and did not belong to said guest, boarder, tenant, or lodger at the time when such charges or indebtedness was incurred shall not be subject to sale in the manner hereinbefore provided, but such baggage and property may be sold in the manner provided by the Code of Civil Procedure for the sale of property under a writ of execution, to satisfy a judgment obtained in any action brought to recover the said charges or indebtedness.

In order to enforce the lien provided for in this section, a hotel, motel, inn, furnished apartment house, boardinghouse, and lodginghouse keeper shall have the right to enter the premises used by his guest, boarder, lodger, or tenant in such hotel, motel, inn, furnished apartment house, boardinghouse, or lodginghouse without liability for conversion or trespass.

This section does not apply to:

1. Any musical instrument of any kind or description which is used by the owner thereof to earn all or a part of his living.

2. Any prosthetic or orthopedic appliance personally used by a guest, boarder, tenant, or lodger.

SEC. 2. Section 1861a of the Civil Code is amended to read:

1861a. Keepers of unfurnished apartment houses, apartments, cottages, or bungalow courts shall have a lien upon the baggage and other property of value belonging to their tenants or guests, and upon all the right, title and interest of their tenants or guests in and to all property in the possession of such tenants or guests which may be in such unfurnished apartment house, apartment, cottage, or bungalow court, for the proper charges due from such tenants or guests, for their accommodation, rent, services, meals, and such extras as are furnished at their request, and for all moneys expended for them, at their request, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property of value until such charges are paid, and such moneys are repaid. In order to enforce the lien provided for in this section, such keeper shall have the right to enter the unfurnished apartment house, apartment, cottage, or bungalow

court used by his guest or tenant without liability for conversion or trespass. Unless such charges shall be paid and unless such moneys shall be repaid within 60 days from the time when such charges and moneys, respectively, become due, said keeper of an unfurnished apartment house, apartment, cottage, or bungalow court, may sell said baggage and property, at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such sale, pursuant to Section 6064 of the Government Code in the county in which said unfurnished apartment house, apartment, cottage, or bungalow court is situated, and also by mailing, at least 15 days prior to the date of sale, a copy of such notice addressed to such tenant or guest at his post office address, if known, and if not known, such notice shall be addressed to such tenant or guest at the place where such unfurnished apartment house, apartment, cottage, or bungalow court is situated; and, after satisfying such lien out of the proceeds of such sale, together with any reasonable costs, that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall, upon demand made within six months after such sale, be paid by said keeper of an unfurnished apartment house, apartment, cottage, or bungalow court to such tenant or guest; and if not demanded within six months from the date of such sale, said residue, if any, shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representative within one year thereafter, it shall be paid into the general fund of the county; and such sale shall be a perpetual bar to any action against said keeper of an unfurnished apartment house, apartment, cottage, or bungalow court for the recovery of such baggage or property, or of the value thereof, or for any damages, growing out of the failure of such tenant or guest to receive such baggage or property.

This section does not apply to:

(a) Any musical instrument of any kind or description which is used by the owner thereof to earn all or a part of his living.

(b) Any prosthetic or orthopedic appliance personally used by a tenant or guest.

(c) Table and kitchen furniture, including one refrigerator, washing machine, sewing machine, stove; bedroom furniture, one overstuffed chair, one davenport, one dining table and chairs, and also all tools, instruments, clothing and books used by the tenant or guest in gaining a livelihood; beds, bedding and bedsteads, oil paintings and drawings drawn or painted by any member of the family of the tenant or guest, and any family portraits and their necessary frames.

(d) All other household, table or kitchen furniture not expressly mentioned in paragraph (c), including but not limited to radios, television sets, phonographs, records, motor vehicles

that may be stored on the premises except so much of any such articles as may be reasonably sufficient to satisfy the lien provided for by this section; and provided further, that such lien shall be secondary to the claim of any prior bona fide holder of a chattel mortgage on and the rights of a conditional seller of such articles, other than the tenant or guest. A motor vehicle that is exempt from attachment or execution under the provisions of Section 690.24 of the Code of Civil Procedure shall not be subject to the lien provided for in this section.

CHAPTER 1388

An act to add Sections 92.2, 990, and 1808 to the Streets and Highways Code, relating to tree planting along streets and highways.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 92.2 is added to the Streets and Highways Code, to read:

92.2. Where practical or desirable, the department shall, along any highway under its jurisdiction, possession, or control, replace trees that have been destroyed or removed because of projects undertaken to widen the highway.

Money from the State Highway Fund available for the widening of highways is also available for the planting of trees pursuant to this section.

SEC. 2. Section 990 is added to the Streets and Highways Code, to read:

990. Where practical or desirable, the board of supervisors shall, along any highway under its jurisdiction, possession, or control, replace trees that have been destroyed or removed because of projects undertaken to widen the highway.

Money received by county from the Highway Users Tax Fund available for the widening of highways is also available for the planting of trees pursuant to this section.

SEC. 3. Section 1808 is added to the Streets and Highways Code, to read:

1808. Where practical or desirable, the legislative body of any city shall, along any street or highway under its jurisdiction, possession, or control, replace trees that have been destroyed or removed because of projects undertaken to widen the street or highway.

Money received by a city from the State Highway Fund available for the widening of streets or highways is also available for the planting of trees pursuant to this section.

CHAPTER 1389

An act to amend Section 5006.5 of the Public Resources Code, relating to leasing by the Department of Parks and Recreation.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 5006.5 of the Public Resources Code is amended to read:

5006.5. The department, with the consent of the Department of General Services, may lease any interest in real or personal property which the department deems necessary or proper for the extension, improvement, or development of the state park system. No payment from state money in excess of one thousand dollars ($1,000) a year shall be made pursuant to any such lease unless and until money equal to or exceeding one-half of the excess over one thousand dollars ($1,000) shall have been made available for expenditure by the state for the purpose by some person, corporation, public district, municipality or political subdivision other than the state, or by the United States or an agency thereof. No lease shall be executed under this section until the department has first consulted with the planning commission of the county in which the department proposes to lease lands for park or recreational purposes. The provisions of this section shall not apply when the Department of General Services leases land for the use of the Department of Parks and Recreation under Section 14669 of the Government Code.

CHAPTER 1390

An act to amend Sections 6701, 6705.6, 7100, 7155, 7177, 7178, 7179, and 7180 of the Financial Code, relating to savings and loan associations.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 6701 of the Financial Code is amended to read:

6701. (a) Regardless of any other provision of this division, excepting only the provisions of Sections 5613, 7177 to 7180, inclusive, and 7182, any association:

(i) May make additional advances, or loans, to the borrower or any successor in interest in the property securing the loan, in order to protect such property or to preserve the security of the loan;

(ii) May make loans or extend credit to facilitate the sale of property acquired by foreclosure or by conveyance in lieu of foreclosure;

(iii) May take such other action as is reasonably and prudently necessary for the salvage of any loan.

(iv) May, with the prior consent of the commissioner, make loans or extend credit to facilitate the sale of property acquired by foreclosure or by conveyance in lieu of foreclosure, to any of the persons, or pay the proceeds of loans or extensions of credit which are intended to inure to the benefit of any of the persons, enumerated in Section 7177.

(b) Regardless of any other provision of this division, with the prior written approval of the commissioner, any association may take such action as is reasonably and prudently necessary to protect the association or any of its interests or investments.

SEC. 2. Section 6705.6 of the Financial Code is amended to read:

6705.6. An association may make loans to finance the sale of improved property acquired by it as unimproved or improved property pursuant to Section 6705, in the amount of the fair market value.

SEC. 3. Section 7100 of the Financial Code is amended to read:

7100. The terms "real property," "improved real property," and "unimproved real property," as used in this chapter, include:

(a) A fee title to real property

(b) A leasehold or subleasehold interest in real property under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the date of maturity of the loan.

SEC. 4. Section 7155 of the Financial Code is amended to read:

7155. An association may make loans upon the security of unimproved real property in an amount not in excess of 70 percent of the appraised value of such real property if the terms of such loans do not exceed two years after which the loan may not be extended and may be refinanced only with an amortized loan.

SEC. 5. Section 7177 of the Financial Code is amended to read:

7177. No association knowingly shall do any of the following:

(a) Directly or indirectly make any loans to a substantial stockholder, or to any officer, director or employee of such association, or to any member of the immediate family of the persons above enumerated, either for himself or as agent or as partner of another, other than loans wholly secured by the pledge of its shares or investment certificates.

(b) Acquire any loans from any of the persons enumerated in subdivision (a) of this section.

(c) Make any loans, the proceeds of which are intended to inure to the benefit of any of the persons enumerated in subdivision (a) of this section.

SEC. 6. Section 7178 of the Financial Code is amended to read:

7178. Except with the prior written consent of the commissioner, no association shall knowingly make:

(a) Any loan to any corporation of which 10 percent or more of the stock is owned or controlled individually or collectively by any one or more of the directors, officers, employees, or substantial stockholders of such association, including any member of the immediate family of the persons enumerated in this subdivision.

(b) Any loans, the proceeds of which are intended to inure to the benefit of any corporation referred to in subdivision (a) of this section.

SEC. 7. Section 7179 of the Financial Code is amended to read:

7179. An association may make loans to any corporation in which any director, officer, employee, or substantial stockholder of such association together with his immediate family owns or controls 10 percent or less of the stock of such corporation, on authorization of or confirmation within 30 days after making such loan by the affirmative vote of all the disinterested directors of such association present at the meeting authorizing or confirming such loan, when such affirmative vote constitutes a majority of all the directors. The interested director, officer, employee, or substantial stockholder or members of his immediate family shall not vote or participate in any manner in the approval of the loan. The authorization or confirmation shall be entered upon the records or minutes of the association. Such loan shall in all other particulars comply with the other provisions of this part.

SEC. 8. Section 7180 of the Financial Code is amended to read:

7180. If a loan is made to a corporation as set forth in Section 7179, the association shall file reports with the commissioner showing the following:

(a) The fact of making the loan.

(b) The names of the directors authorizing or confirming the loan.

(c) The corporate name of the borrower.

(d) The name of each director, officer, or substantial stockholder of the association who is a stockholder, officer, or director of the corporation to which the loan is made.

(e) The amount of stock held by the officer, director, or substantial stockholder together with his immediate family in such borrowing corporation.

(f) The amount of the loan, the rate of interest thereon, the time when the loan becomes due, the amount, character and value of the security given therefor, and the fact of final payment, when made.

CHAPTER 1391

An act authorizing the exchange of certain lands conveyed to the County of Marin.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967]

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares that certain portions of those tide and submerged lands heretofore conveyed to the County of Marin by Chapter 497 of the Statutes of 1959 are no longer necessary or useful for the purposes of commerce, navigation, and fisheries, and are hereby declared to be free from the public trust for commerce, navigation, and fisheries and from the uses, trusts and conditions set out in said act. The lands freed from the public trust by this act are described as follows:

All that certain real property situate in the County of Marin, State of California, more particularly described as follows:

Parcel 2

A strip of land of uniform width of 34.5 feet lying northwesterly of and adjacent to the southeasterly line of Canal Street as shown on the plat entitled "Supplementary Plat of the Grant to the County of Marin, Parcel "A", Chapter 497, Statutes of 1959", as recorded in Can "G", Marin County Records, and lying between the northwesterly projection of the northeasterly line of Parcel Two conveyed from Paul J. Smith, et ux, to the State of California by deed recorded in Book 971 at page 511, Marin County Official Records, and a line 65 feet southwesterly of and parallel to the southwesterly line of the 60 foot right of way conveyed from Sausalito Land and Ferry Company to the North Pacific Coast Railroad Company as recorded in Book "Y" of Deeds at page 127, Marin County Records.

Being a portion of Canal Street as shown on said map.

Parcel 3

All that portion of Tomales Street as shown on the plat entitled "Supplementary Plat of the Grant to the County of Marin, Parcel A, Chapter 497, Statutes of 1959", as recorded in Can "G" Marin County Records, said portion of Tomales Street lying between Canal Street and the line of Ordinary High Tide between stations 135 and 136 as shown on said map.

Being all of Tomales Street as shown on said Plat.

Parcel 4

All that portion of Coyote Street as shown on the Plat entitled "Supplementary Plat of the Grant to the County of Marin, Parcel A, Chapter 497, Statutes of 1959", as recorded

in Can "G" Marin County Records, bounded on the south by the line of Ordinary High Tide lying between stations 134 and 135 as shown on said map, on the northwest by the southeasterly line of Block 194 as shown on said map, and on the northeast by a line of 65 feet southwest of and parallel to the southwesterly line of the 60 foot right of way conveyed from the Sausalito Land and Ferry Company to the North Pacific Coast Railroad Company by deed recorded in Book "Y" of deeds at Page 127, Marin County Records.

Being a portion of Coyote Street as shown on said Plat.

SEC. 2. The State Lands Commission and the County of Marin are hereby authorized to convey to the owners of property abutting said lands all right, title and interest in and to the lands freed from the public trust by Section 1 of this act in exchange for and upon there being conveyed to the County of Marin as trustee for the State of California, by said owners all right, title and interest in and to other lands lying in the same general vicinity and more particularly described as follows:

That certain real property situate within the County of Marin, State of California, and more particularly described as follows:

Parcel 1. A strip of land of uniform width of 65 feet lying southwesterly of and adjacent to the southwesterly line of the 60 foot railroad right of way described in Book "Y" of deeds at page 127, Marin County Records, and in Book 148, page 268, Marin County Official Records; and lying between the northwesterly line of Block 194, "Map No. 1 of Salt Marsh and Tidelands, 1870" filed in Can "F", Marin County Records, and the westerly line of Parcel Two as described in the deed to the State of California, Book 208, Page 17, Marin County Official Records.

Being portions of Block 186 and 194 and Coyote Street as shown on the map entitled "Official Map of Sausalito Land and Ferry Company", Rack 1, Pull 9, Marin County Records.

Said exchange shall be made only if the commission finds that the acreage of the lands to be conveyed is approximately equal to the acreage of the land to be acquired by the County of Marin, and that said lands are of the same character. Such findings, if and when made by the commission, shall be conclusive and binding on all persons.

SEC. 3. The lands acquired by the County of Marin, as trustee for the State of California, pursuant to the provisions of this act, shall be held by said county, in trust, for the same uses and purposes and subject to the same restrictions and conditions as specified in Chapter 497 of the Statutes of 1959, and shall be subject to the following additional conditions:

(1) Within 10 years from the effective date of this act, Parcel 1 described above shall be substantially improved by the county without expenses to the state, and if the State Lands Commission determines that the county has failed to improve the lands as herein required, all right, title, and inter-

est of the county in and to the lands shall cease and the lands shall revert and rest in the state.

In making its determination as to whether such lands have been substantially improved, the commission shall take into consideration the existing improvements made by the county to such lands.

(2) There is hereby excepted and reserved in the state all deposits of minerals, including oil and gas, in the lands, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands.

(3) The lands are subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person, firm, or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(4) The State Lands Commission shall, at the cost of the county, survey and monument Parcel 1 described above and record a description and plat thereof, which depicts the relative positions of Parcels 2, 3, and 4, in the office of the County Recorder of Marin County.

(5) The county shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the lands or any improvements, betterments or structures thereon.

SEC. 4. Before making any exchange herein authorized the commission shall publish notice of intention to make the exchange. The notice need not particularly describe the lands or the interest therein proposed to be exchanged but shall refer to the maps and records on file with the commission for a detailed description thereof and for further particulars. Any affected city or county, within thirty (30) days after the publication of such notice, may request in writing to the commission that a hearing be held with respect thereto. Upon receipt of such request, the commission shall hold such a hearing and give not less than ten (10) days' written notice thereof to each city or county making such request. The notice herein provided for shall be published in a newspaper of general circulation published in the County of Marin. Authority to hold the hearing herein provided for may be delegated by the commission to its officers or employees.

SEC. 5. The grantees of lands hereunder are hereby authorized to institute a quiet title action if they deem such necessary

to perfect their title to said lands. Service of process in any such suit shall be made upon the county, State Lands Commission, and the Attorney General, and it shall be the duty of the Attorney General to represent the state in any such suit. In any such action, whether or not judgment is given against the state, no costs shall be recovered against the state.

CHAPTER 1392

An act to amend Sections 15454 and 15455 of the Education Code, relating to the plans for construction of public school buildings.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 15454 of the Education Code is amended to read:

15454. The Department of General Services shall pass upon and approve or reject all plans for the construction or, if the estimated cost exceeds ten thousand dollars ($10,000), the alteration of any school building. To enable it to do so, the governing board of each school district and any other school authority before adopting any plans for such school building shall submit the plans to the Department of General Services for approval, and shall pay the fees prescribed in this article (commencing at Section 15451).

SEC. 2. Section 15455 of the education Code is amended to read:

15455 Before letting any contract for any construction or alteration of any such school building, the written approval of the plans, as to safety of design and construction, by the Department of General Services, shall be first had and obtained.

CHAPTER 1393

An act to amend Sections 7451 and 7453 of the Education Code, relating to regional occupational centers.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 7451 of the Education Code is amended to read:

7451. The county superintendent of schools of each county may establish and maintain, or with one or more counties may establish and maintain, at least one regional occupational cen-

ter in the county to provide education and training in vocational courses. The governing boards of any school districts maintaining high schools in the county may, with the consent of the county superintendent of schools, cooperate in the establishment and maintenance of a regional occupational center, except that if such a school district also maintains five hundred (500) or more schools its governing board may establish and maintain one or more regional occupational centers without such restrictions. The establishment and maintenance of a regional occupational center by two or more school districts may be undertaken pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code. If a school district or school districts establish and maintain such a regional occupational center pursuant to this chapter, the county superintendent of schools may, but is not required to, establish and maintain a separate regional occupational center or centers.

SEC. 2. Section 7453 of the Education Code is amended to read:

7453. For the purposes of this chapter the county superintendent of schools, the governing board of the school district, or the governing boards of school districts establishing a regional occupational center may acquire a site for each regional occupational center maintained by him or the district, or districts, as the case may be, and may plan, construct, purchase, or lease buildings therefor, and may purchase or lease furniture, equipment, fixtures, and other personal property therefor.

CHAPTER 1394

An act to amend Section 8702 of the Government Code, relating to the Commission of the Californias, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 8702 of the Government Code is amended to read:

8702. The commission shall further and develop favorable economic and cultural relations with the State of Baja California and the Territory of Baja California Sur, Republic of Mexico, and shall cooperate with similar commissions representing the State of Baja California and the Territory of Baja California Sur. The commission shall report to the Governor from time to time on the plans and programs which it finds will advance the economic and cultural relations of the two states and of the territory, and which will lead to coop-

erative advancement of each state's and the territory's resources.

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 such necessity are:

In order that the intent of the Legislature that the Commission of the Californias cooperate with a commission representing the Territory of Baja California be implemented, it is necessary that this act take effect at the earliest date possible.

CHAPTER 1395

An act to add Sections 484d, 484e, 484f, 484g, 484h, 484i to, and to repeal Section 484a of the Penal Code, relating to criminal offenses involving credit cards.

[Approved by Governor August 23, 1967. Filed with Secretary of State August 23, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 484a of the Penal Code is repealed.

SEC. 2. Section 484d is added to the Penal Code, to read:

484d. As used in this section and Sections 484e to 484j, inclusive:

(1) "Cardholder" means the person or organization identified on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer.

(2) "Credit card" means any instrument or device, whether known as a credit card, credit plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder.

(3) "Expired credit card" means a credit card which shows on its face it has elapsed.

(4) "Issuer" means the business organization or financial institution which issues a credit card or its duly authorized agent.

(5) "Participating party" means business organization or financial institution which is obligated by contract to acquire from a merchant a sales slip or sales draft or instrument for the payment of money evidencing a credit card transaction and from whom the issuer is obligated by contract to acquire such sales slip, sales draft, or instrument for the payment of money.

(6) "Merchant" means every person who is authorized by an issuer or a participating party to furnish money, goods, services or anything else of value upon presentation of a credit card by a cardholder.

(7) A credit card is "incomplete" if part of the matter other than the signature of the cardholder which an issuer requires to appear on the credit card before it can be used by a cardholder has not been stamped, embossed, imprinted, or written on it.

(8) "Revoked credit card" means a credit card for which permission to use it has been suspended or terminated by the issuer and notice thereof has been given to the cardholder.

SEC. 3. Section 484e is added to the Penal Code, to read:

484e. (1) Every person who acquires a credit card from another without the cardholder's or issuer's consent or who, with knowledge that it has been so acquired, acquires the credit card, with intent to use it or to sell or transfer it to a person other than the issuer or the cardholder is guilty of petty theft.

(2) Every person who acquires a credit card that he knows to have been lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder, and who retains possession with intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder is guilty of petty theft.

(3) Every person who sells, transfers, conveys, or receives a credit card with the intent to defraud is guilty of petty theft.

(4) Every person other than the issuer, who within any consecutive 12-month period, acquires credit cards issued in the names of four or more persons which he has reason to know were taken or retained under circumstances which constitute a violation of subdivisions (1), (2), or (3) of this section is guilty of grand theft.

SEC. 4. Section 484f is added to the Penal Code, to read:

484f. (1) Every person who, with intent to defraud, makes, alters, or embosses a card purporting to be a credit card or utters such a card is guilty of forgery.

(2) A person other than the cardholder or a person authorized by him who, with intent to defraud, signs the name of another or of a fictitious person to a credit card, sales slip, sales draft, or instrument for the payment of money which evidences a credit card transaction, is guilty of forgery.

SEC. 5. Section 484g is added to the Penal Code, to read:

484g. Every person, who with intent to defraud, (a) uses for the purpose of obtaining money, goods, services or anything else of value a credit card obtained or retained in violation of Section 484e or a credit card which he knows is forged, expired or revoked, or (b) obtains money, goods, services or anything else of value by representing without the consent of the cardholder that he is the holder of a credit

card or by representing that he is the holder of a credit card and such card has not in fact been issued, is guilty of theft. If the value of all money, goods, services and other things of value obtained in violation of this section exceeds two hundred dollars ($200) in any consecutive six-month period, then the same shall constitute grand theft.

SEC. 6. Section 484h is added to the Penal Code, to read:

484h. Every merchant who, with intent to defraud:

(a) Furnishes money, goods, services or anything else of value upon presentation of a credit card obtained or retained in violation of Section 484e hereof or a credit card which he knows is forged, expired or revoked, and who receives any payment therefor, is guilty of theft. If the payment received by the merchant for all money, goods, services and other things of value furnished in violation of this section exceeds two hundred dollars ($200) in any consecutive six-month period, then the same shall constitute grand theft.

(b) Fails to furnish money, goods, services or anything else of value which he represents in writing to the issuer or a participating party that he has furnished, and who receives any payment therefor, is guilty of theft. If the difference between the value of all money, goods, services and anything else of value actually furnished and the payment or payments received by the merchant therefor upon such representation exceeds two hundred dollars ($200) in any consecutive six-month period, then the same shall constitute grand theft.

SEC. 7. Section 484i is added to the Penal Code, to read:

484i. (a) Every person who possesses an incomplete credit card, with intent to complete them without the consent of the issuer is guilty of a misdemeanor.

(b) Every person who with intent to defraud possesses, with knowledge of its character, machinery, plates or any other contrivance designed for, and made use of in, the reproduction of instruments purporting to be the credit cards of an issuer who has not consented to the preparation of such credit cards, is punishable by imprisonment in the state prison for not less than one, nor more than 14 years, or by imprisonment in the county jail for not more than one year.

SEC. 8. This act shall not be construed to preclude the applicability of any other provision of the criminal law of this state which presently applies or may in the future apply to any transaction which violates this act.

SEC. 9. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

CHAPTER 1396

An act to amend Section 69593 of the Government Code, relating to superior court judges.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 69593 of the Government Code is amended to read:

69593. In the County of Sacramento there shall be 14 judges of the superior court.

CHAPTER 1397

An act to add Sections 426, 11723, and 11724 to, and to add Chapter 5 (commencing with Section 3000) to Division 2 of the Vehicle Code, relating to vehicle dealers.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 426 is added to the Vehicle Code, to read:

426. "New car dealer" is a dealer, as defined in Section 285, who, in addition to the requirements of that section, acquires for resale new and unregistered motor vehicles (excluding motorcycles as defined in Section 400 of this code) and new and unregistered trucks from manufacturers or distributors of such motor vehicles and trucks. No distinction shall be made, nor any different construction be given to the definition of "new car dealer" and "dealer" except for the application of the provisions of Chapter 5 (commencing with Section 3000) of Division 2 of this code, which chapter shall apply only to new car dealers as defined in this section.

SEC. 2. Chapter 5 (commencing with Section 3000) is added to Division 2 of the Vehicle Code, to read:

CHAPTER 5. NEW CAR DEALERS POLICY AND APPEALS BOARD

Article 1. Organization of Board

3000. There is in the Department of Motor Vehicles a New Car Dealers Policy and Appeals Board, which consists of nine members.

3001. Four of the appointive members of the board shall be new car dealers as defined in Section 426 who have engaged for a period of not less than five years preceding their appointment in activities regulated by Article 1 (com-

mencing with Section 11700) of Chapter 4 of Division 5. Such members shall be appointed by the Governor.

Each of the five remaining appointive members shall be a public member who is not a licentiate under Article 1 (commencing with Section 11700) or 2 (commencing with Section 11800) of Chapter 4 of Division 5 or an employee of such licentiate at the time of such appointment and one of such five appointive members shall have been admitted to practice law in the state for at least 10 years immediately preceding his appointment. One public member shall be appointed by the Senate Rules Committee, one by the Speaker of the Assembly, and three by the Governor.

Each member shall be of good moral character.

3002. The appointments of the appointive members shall be made effective as of the effective date of this article.

3003. Each appointive member of the board shall be appointed for a term of four years and shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The terms of the members of the board first appointed shall expire as follows: one public member and one new car dealer member, January 15, 1969; two public members and one new car dealer member, January 15, 1970; two public members and two new car dealer members, January 15, 1971. The terms shall thereupon expire in the same relative order.

Vacancies occurring shall be filled by appointment for the unexpired term.

3004. Members of the board shall take an oath of office as provided in the Constitution and the Government Code.

3005. The appointing authority has the power to remove from office at any time, any member of the board appointed by such appointing authority for continued neglect of duties required by law, or for incompetence, or unprofessional or dishonorable conduct. Nothing in this section shall be construed as a limitation or restriction on the power of the appointing authority, conferred by any other provision of law, to remove any member of the board.

3006. The board shall organize and elect a president from among its members for a term of one year at the first meeting of each year. The newly elected president shall assume his duties at the conclusion of the meeting at which he was elected. Reelection to office during membership is unrestricted.

3007. The board shall meet at least twice during each calendar year.

Special meetings may be called at any time by the president or by any five members of the board upon notice for such time and in such manner as the board may provide.

3008. (a) All meetings of the board shall be open and public, and all persons shall be permitted to attend any meeting of the board, except that the board may hold executive sessions to deliberate on the decision to be reached upon the

evidence introduced in a proceeding conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) At all meetings of the board, open or executive, involving an appeal from a decision of the Director of Motor Vehicles as hereinafter provided for, the director or his authorized representative may attend, present the position of the department and thereafter shall absent himself from any executive session at the request of any member of the board.

(c) Within the limitations of its powers and authority as herein conferred, and in the event of disagreement between the board and the director regarding the decision to be reached as herein provided, the decision of the board shall be final.

3009. Except as otherwise provided by law, all records of the board shall be open to inspection by the public during regular office hours.

3010. Five members of the board shall constitute a quorum for the transaction of business, for the performance of any duty or the exercise of any power or authority of the board.

3011. A vacancy on the board shall not impair the power of the remaining members to perform all duties and exercise all powers of the board, providing the members remaining constitute a quorum.

3012. Each member of the board shall receive a per diem of twenty-five dollars ($25) for each day actually spent in the discharge of official duties, and he shall be reimbursed for his traveling and other expenses necessarily incurred in the performance of his duties, which per diem and reimbursement shall be wholly defrayed from funds that shall be provided in the annual budget of the department.

3013. The board shall adopt a seal and such other device as the members may desire thereon, by which they shall authenticate all papers and documents under their control.

Copies of all records and papers in the board's office shall be received in evidence in all cases when certified under the hand and seal of the board, equally and with like effect as the originals.

3014. The department shall provide the board with the services, as secretary, of a qualified, trained person, who shall, subject to civil service requirements, devote as much time as may be necessary to discharge the functions of the board as herein provided and shall further provide the board with the necessary personnel, office space, equipment and supplies as in the opinion of the board may be necessary to administer this chapter.

3015. In addition to the office of the secretary in Sacramento, the department shall, as the need therefor occurs, secure adequate rooms for the meetings of the board in Los Angeles, San Francisco, Sacramento, or such other locations in the state as may be required in the discretion of the board, to administer this chapter.

Article 2. Powers and Duties of Board

3050. The board shall:

(a) Prescribe rules and regulations in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) Part 1, Division 3, Title 2 of the Government Code and after consultation with the department, to carry this chapter into effect relevant to the provisions of Chapter 4 (commencing with Section 11700) of Division 5, relating to licensing of new car dealers as defined in Section 426.

(b) Hear and consider, within the limitations and in accordance with the procedure hereinafter provided, an appeal presented by an applicant for, or holder of, a license as a new car dealer as defined in Section 426, pursuant to Chapter 4 (commencing with Section 11700) of Division 5 when any new car dealer respondent submits such an appeal, provided for in this chapter, from an action or decision arising out of the department.

(c) Consider any matter concerning the activities or practices of any person applying for or holding a license as a new car dealer pursuant to Chapter 4 (commencing with Section 11700) of Division 5 submitted by any California resident, any person residing temporarily in California, or any member of the board; and, after such consideration, the board may do any one or any combination of the following:

(1) Direct the department to conduct such investigation of such matter as the board deems reasonable, and make a written report on the results of such investigation to the board within 30 days of the receipt of said instructions from the board;

(2) Undertake to arbitrate amicably or resolve any honest difference of opinion or viewpoint existing between any new car dealer and any member of the public;

(3) Direct the department to exercise any and all authority or power that the department may have with respect to the issuance, renewal, refusal to renew, suspension or revocation of the license and certificate of any new car dealer as such license and certificate are required under Chapter 4 (commencing with Section 11700) of Division 5 of this code.

3051. The provisions of this chapter are not applicable to any person licensed as a manufacturer or transporter or salesman under Article 1 (commencing with Section 11700) of Chapter 4 of Division 5, or to any licensee thereunder who is not a new car dealer. The provisions of this chapter shall be applicable to a new car dealer or any person who applies for a license as, or becomes, a new car dealer as defined in Section 426.

Article 3. Appeals From Decisions of the Department

3052. (a) On or before the 10th day after the last day on which reconsideration of a final decision of the department can be ordered, the respondent may file an appeal with the secretary of the board. The appeal shall be in writing and shall state the grounds therefor. A copy thereof shall be mailed by the appellant to the department which shall thereafter be treated in all respects as a party to the appeal. The right to appeal shall not be affected by failure to seek reconsideration before the department.

(b) An appeal shall be deemed filed on the date it is received in the office of the secretary of the board; provided, however, an appeal mailed to the secretary by means of registered mail shall be deemed to be filed with the secretary on the date of the registry with the United States Post Office.

(c) The appeal shall be accompanied by evidence that the appellant has made application for the administrative record of the department and advanced the cost of preparation thereof. The complete administrative record includes the pleadings, all notices and orders issued by the department, any proposed decision by a hearing officer, the exhibits admitted or rejected, the written evidence and any other papers in the case. All or those parts of the administrative record requested by appellant may be filed with the appeal application, with appellant's points and authorities or upon order of the board, which may order prior payment by appellant of the further cost of providing the additional administrative record so ordered to be filed.

(d) No decision of the department shall become effective during the period an appeal may be filed and the filing of an appeal shall stay the effect of the decision of the department until such time as a final order is made by the board.

3053. The board shall determine the appeal upon the administrative record of the department, any evidence adduced at any hearing of the board, and upon any briefs filed by the parties. If any party to the appeal requests the right to appear before the board, the board shall set a time and place for such hearing, the production of any relevant evidence and argument.

3054. The board shall have the power to reverse or amend the decision of the department if it determines that any of the following exist:

(a) The department has proceeded without or in excess of its jurisdiction.

(b) The department has proceeded in a manner contrary to the law.

(c) The decision is not supported by the findings.

(d) The findings are not supported by the weight of the evidence in the light of the whole record reviewed in its entirety, including any and all relevant evidence adduced at any hearing of the board.

(e) There is relevant evidence, which in the exercise of reasonable diligence, could have been produced or which was improperly excluded at the hearing.

(f) The determination or penalty, as provided in the decision of the department is not commensurate with the findings.

3055. The board shall also have the power to amend, modify, or reverse the penalty imposed by the department.

3056. When the order reverses the decision of the department, the board may direct the reconsideration of the matter in the light of its order and may direct the department to take such further action as is specially enjoined upon it by law. In all cases the board shall enter its order within 60 days after the filing of the appeal, except in the case of unavoidable delay in supplying the administrative record, in which event the board shall make its final order within 60 days after receipt thereof.

3057. A final order of the board shall be in writing and copies thereof shall be delivered to the parties personally or sent them by registered mail. The order shall be final upon its delivery or mailing and no reconsideration or rehearing shall be permitted.

3058. Either party may seek judicial review of final orders of the board. Time for filing an action for such review shall not be more than 30 days from the date on which the final order of the board is delivered to the parties personally or is sent them by registered mail.

SEC. 3. Section 11723 is added to said code, to read:

11723. The New Car Dealers Policy and Appeals Board may require that fees shall be paid to the department for the issuance or renewal of a license to do business as a new car dealer. Such fees shall be to reimburse the department for costs incurred in licensing new car dealers.

SEC. 4. Section 11724 is added to said code, to read:

11724. Any new car dealer required to be licensed under this chapter who fails to make application for such license when required shall, in addition to the fees required pursuant to Section 11723, pay a penalty of 50 percent of the license fee.

SEC. 5. The revenues derived from the additional fees or payments provided for in this act shall not be available for expenditure until appropriated.

SEC. 6. The provisions of this act shall be operative only until the 91st day after final adjournment of the 1971 Regular Session of the Legislature.

CHAPTER 1398

An act to amend the heading of Chapter 4 (commencing with Section 3700), Division 3 of, and Sections 3700, 3701, 3702, 3703, 3712, 3713, 3714, 3715, 3716, 3717, 3719, 3721, 3724, 3725, 3729, 3731, 3734, 3737, 3739, 3740, 3741, 3742, 3745, 3752, 3753, 3756, 3757, 3758, 3760, 3761, 3762, 3763, 3765, 3766, 3768, 3770, 3772, and 6805 of, to add Sections 3742.1 and 3742.2 to, and to add Article 5.5 (commencing with Section 6902) to Chapter 3, Division 6 of, the Public Resources Code, relating to geothermal resources.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 4 (commencing with Section 3700) of Division 3, Public Resources Code is amended to read:

CHAPTER 4. GEOTHERMAL RESOURCES

SEC. 2. Section 3700 of the Public Resources Code is amended to read:

3700. It is hereby found and determined that the people of the State of California have a direct and primary interest in the development of geothermal resources, and that the State of California, through the authority vested in the State Oil and Gas Supervisor, should exercise its power and jurisdiction to require that wells for the discovery and production of geothermal resources be drilled, operated, maintained and abandoned in such manner as to safeguard life, health, property, and the public welfare, and to encourage maximum economic recovery.

SEC. 3. Section 3701 of the Public Resources Code is amended to read:

3701. For the purposes of this chapter, "geothermal resources" shall mean geothermal resources as defined in Section 6903 of this code.

SEC. 4. Section 3702 of the Public Resources Code is amended to read:

3702. "Geothermal area" means the same general surface area which is underlaid, or reasonably appears to be underlaid, by geothermal resources.

SEC. 5. Section 3703 of the Public Resources Code is amended to read:

3703. "Well" means any well for the discovery of geothermal resources or any well on lands producing geothermal resources or reasonably presumed to contain geothermal resources, or any special well, converted producing well or reactivated or converted abandoned well employed for reinjecting geothermal resources or the residue thereof.

SEC. 6. Section 3712 of the Public Resources Code is amended to read:

3712. This chapter shall be liberally construed to meet its purposes, and the board, the director, and the supervisor shall have all powers which may be necessary to carry out the purposes of this chapter.

SEC. 7. Section 3713 of the Public Resources Code is amended to read:

3713. "Board" means the Geothermal Resources Board.

SEC. 8. Section 3714 of the Public Resources Code is amended to read:

3714. The State Oil and Gas Supervisor shall so supervise the drilling, operation, maintenance and abandonment of geothermal resources wells as to encourage the greatest ultimate economic recovery of geothermal resources, and to prevent damage to, and waste from, the underground geothermal deposits, and to prevent damage to underground and surface waters suitable for irrigation or domestic purposes by reason of the drilling, operation, maintenance, and abandonment of geothermal resources wells.

SEC. 9. Section 3715 of the Public Resources Code is amended to read:

3715. The supervisor shall also supervise the drilling, operation, maintenance, and abandonment of wells so as to permit the owners or operators of such wells to utilize all methods and practices known to the industry for the purpose of increasing the ultimate recovery of geothermal resources and which, in the opinion of the supervisor, are suitable for such purpose in each proposed case. In order to further the elimination of waste by increasing the recovery of geothermal resources it is hereby declared as a policy of this state that the grant in a geothermal resources lease or contract to a lessee or operator of the right or power, in substance, to explore for and remove all geothermal resources from any lands in the State of California, in the absence of an express provision to the contrary contained in such lease or contract, is deemed to allow the lessee or contractor or his successors or assigns, to do what a prudent operator using reasonable diligence would do, having in mind the best interest of the lessor, lessee and the state, in producing and removing geothermal resources; provided, however, nothing contained in this section imposes a legal duty upon such lessee or contractor, his successors or assigns, to conduct such operations

SEC. 10. Section 3716 of the Public Resources Code is amended to read:

3716. The district deputy in each district shall collect all information regarding the wells in the district necessary for the proper supervision of such wells. He shall prepare maps and other accessories necessary to determine the underground conditions in a geothermal area and the location and extent of strata bearing water suitable for irrigation or domestic purposes or surface water suitable for such purposes. This work

shall be done with the view to advising the operators as to the best means of protecting the geothermal resource deposits and the water-bearing strata and surface water, and with a view to aiding the supervisor in ordering tests or repair work at wells. All such data shall be kept on file in the office of the district deputy of the respective district, and copies thereof shall be forwarded to the Director of Water Resources, the State Geologist, and the appropriate regional water quality control board located in the area involved, subject to the provisions of Section 3752.

SEC. 11. Section 3717 of the Public Resources Code is amended to read:

3717. The supervisor shall notify the Department of Fish and Game, the Department of Water Resources and the regional water quality control board in the area affected of the location, operation, maintenance, and abandonment of all wells.

SEC. 12. Section 3719 of the Public Resources Code is amended to read:

3719. The supervisor shall publish any publications, reports, maps, statistical data or other printed matter relating to geothermal resources, for which there may be public demand. If these publications, reports, maps, statistical data or other printed matter are sold, they shall be sold at cost, and the proceeds shall be deposited in the Petroleum and Gas Fund to the credit of the geothermal resources account.

SEC. 13. Section 3721 of the Public Resources Code is amended to read:

3721. Every owner or operator of any well shall designate an agent, giving his post office address, who resides in this state, upon whom may be served all orders, notices, and processes of the supervisor, board, or any court of law. Every person so appointing an agent shall, within five days after the termination of any such agency, notify the supervisor, in writing, of such termination, and unless operations are discontinued, shall appoint a new agent.

SEC. 14. Section 3724 of the Public Resources Code is amended to read:

3724. The owner or operator of any well, before commencing the original drilling of a well or the redrilling of an abandoned well, shall file with the supervisor or the district deputy a written notice of intention to commence drilling, accompanied by the fee prescribed by this section. The notice shall contain the following:

(a) The location and elevation of the floor of the proposed derrick.

(b) The number or other designation by which the well shall be known. Such number or designation shall be subject to the approval of the supervisor.

(c) The owner's or operator's estimate of the depths between which production will be attempted.

(d) Such other pertinent data as the supervisor may require on the printed forms to be supplied by the Division of Oil and Gas, or on forms acceptable to the supervisor.

After the completion of any well the provisions of this section, other than the requirement of the payment of the fee, shall also apply, as far as may be, to the deepening or redrilling of the well, or any operation involving the plugging of the well, or any operations permanently altering in any manner the casing of the well. The number or designation by which any well heretofore drilled has been known, and the number or designation specified for any well in a notice filed as required by this section, shall not be changed without first obtaining a written consent of the supervisor.

The fee required to be filed for the drilling of a new well or the redrilling of an abandoned well, shall be at least two hundred dollars ($200) but not more than five hundred dollars ($500), as determined by the board based on the record of the cost of supervising the geothermal resources operations. Until such time as sufficient cost data is available, the board is authorized to set the fee at the maximum rate.

All moneys received under this chapter shall be deposited in the Petroleum and Gas Fund to the credit of an account to be known as the geothermal resources account which is hereby appropriated for the purposes of this chapter.

SEC. 15. Section 3725 of the Public Resources Code is amended to read:

3725. Every person who engages in the drilling, redrilling, or deepening of any well shall file with the supervisor an indemnity bond in the sum of five thousand dollars ($5,000) for each well drilled, redrilled, or deepened. The bond shall be filed with the supervisor at the time of the filing of the notice of intention to drill, redrill, or deepen provided for in Section 3724. The bond shall be executed by such person, as principal, and by an authorized surety company, as surety, conditioned that the principal named in the bond shall faithfully comply with all the provisions of this chapter, in drilling, redrilling, or deepening any well or wells covered by the bond, and shall secure the state against all losses, charges, and expenses incurred by it to obtain such compliance by the principal named in the bond.

The condition of the bond shall be stated in substantially the following language:

"If said _____, the above bounden principal, shall well and truly comply with all the provisions of Chapter 4 (commencing with Section 3700) of Division 3 of the Public Resources Code and shall obey all lawful orders of the State Oil and Gas Supervisor, or his district deputy or deputies, if not appealed as provided in that chapter, or upon affirmance thereof by the Geothermal Resources Board, if appealed thereto, and shall pay all charges, costs, and expenses incurred by the supervisor or his district deputy or deputies in respect of such well or wells or the property or properties of said principal, or assessed against such well or wells or the

property or properties of such principal, in pursuance of the provisions of said chapter, then this obligation shall be void; otherwise, it shall remain in full force and effect."

SEC. 16. Section 3729 of the Public Resources Code is amended to read:

3729. A well is properly completed, for the purposes of Sections 3727 and 3728, when it has been completed to production of a geothermal resource, and the person engaged in drilling, redrilling, or deepening it has shown to the satisfaction of the supervisor that both the manner of drilling, redrilling, or deepening the well and the manner of producing therefrom are satisfactory. A well is properly abandoned when drilling, redrilling, or deepening has ceased before completion to production of a geothermal resource, and the person drilling, redrilling, or deepening it has shown to the satisfaction of the supervisor that all proper steps have been taken to protect underground or surface water suitable for irrigation or farm or domestic purposes from the infiltration or addition of any detrimental substance, and to prevent the escape of all fluids to the surface.

SEC. 17. Section 3731 of the Public Resources Code is amended to read:

3731. The log shall show the character and depth of the formation passed through or encountered in the drilling of the well, the amount, size and weight of casing used, and particularly the location, depth and temperature of waterbearing strata, together with the temperature, chemical composition, and other chemical and physical characteristics of fluid encountered from time to time, so far as ascertained.

SEC. 18. Section 3734 of the Public Resources Code is amended to read:

3734. The log shall be kept in the local office of the owner or operator and, together with the tour reports of the owner or operator, shall be subject, during business hours, to the inspection of the board, the supervisor, or the district deputy, except in the case of a prospect well.

SEC. 19. Section 3737 of the Public Resources Code is amended to read:

3737. Except as otherwise provided in Section 3729, a well is completed, for the purposes of this chapter, 30 days after it has commenced to produce a geothermal resource unless drilling operations are resumed before the end of the 30-day period.

SEC. 20. Section 3739 of the Public Resources Code is amended to read:

3739. Any person engaged in operating any wells wherein high pressures are known to exist, and any person drilling for geothermal resources in any district where the pressures are unknown shall equip the well with casings of sufficient strength, and with such other safety devices as may be necessary, in accordance with methods approved by the super-

visor, and shall use every reasonable effort and endeavor effectually to prevent blowouts, explosions, and fires.

SEC. 21. Section 3740 of the Public Resources Code is amended to read:

3740. The owner or operator of any well on lands producing or reasonably presumed to contain geothermal resources shall properly case it with watertight and adequate casing, in accordance with methods approved by the supervisor or the district deputy. The owner or operator shall also use every reasonable effort and endeavor to shut out detrimental substances from strata containing water suitable for irrigation or domestic purposes and from surface water suitable for such purposes, and to prevent the infiltration of detrimental substances into such strata and into such surface water.

SEC. 22. Section 3741 of the Public Resources Code is amended to read:

3741. The supervisor shall require such tests or remedial work as in his judgment are necessary to protect geothermal resources deposits from damage, or to prevent the infiltration of detrimental substances into underground or surface water suitable for irrigation or domestic purposes, to the best interests of the neighboring property owners and the public.

SEC. 23. Section 3742 of the Public Resources Code is amended to read:

3742. There is hereby created in the Department of Conservation a Geothermal Resources Board. The board shall consist of the following or their respective designees: the Director of Conservation, who shall serve as chairman of the board; the State Geologist, who shall serve as secretary to the board; the State Oil and Gas Supervisor; the Executive Officer of the State Lands Commission; the Chairman of the State Water Resources Control Board; the Director of Water Resources; and the President of the Public Utilities Commission.

SEC. 24. Section 3742.1 is added to the Public Resources Code, to read:

3742.1. The board, to be best able to make its recommendations with respect to the classification of areas as geothermal resources areas, and to allow for the most orderly development of geothermal resources within the state, shall require the filing of drilling logs, descriptions of cores and samples, and drilling histories by all persons engaged in exploration for or production of geothermal resources. All such information secured by the supervisor or the district deputy shall be filed in sufficient number of copies with the supervisor or district deputy to permit transmission thereof to the Division of Mines and Geology for use by the board.

The board is authorized to require such other information as it may deem necessary to perform its responsibilities.

SEC. 25. Section 3742.2 is added to the Public Resources Code, to read:

3742.2. Any person having drilled a well or wells on state, federal or private lands which are producing or, according

to the Geothermal Resources Board, are capable of producing geothermal resources, may, at any time, apply to the board for a certificate of primary purpose. When the board determines that such well or wells are primarily for the purpose of producing geothermal resources and not for the purpose of producing water usable for domestic and irrigation purposes, the board shall issue a certificate of primary purpose to such person. Such certificate shall establish a rebuttable presumption that such person has absolute title to the geothermal resources reduced to his possession from such well or wells. Such presumption may be rebutted only upon a showing that the water content of the geothermal resources is useful for domestic or irrigation purposes without further treatment thereof, but not by virtue of any production of such water as a by-product incident to the production of the geothermal resources.

SEC. 26. Section 3745 of the Public Resources Code is amended to read:

3745. The owner of any well producing geothermal resources shall file with the supervisor, on or before the 10th day of each month, for the last preceding calendar month, a statement of production utilized in such form as the supervisor may designate.

SEC. 27. Section 3752 of the Public Resources Code is amended to read:

3752. The records of any operator, when filed with the district deputy, the supervisor, or the board as provided in this chapter, shall be open to inspection only to those authorized in writing by such operators, to the state officers, and to the Geothermal Resources Board.

Such records shall in no case other than those expressly provided in this chapter, be available as evidence in court proceedings. No officer or employee or member of the board shall be allowed to give testimony as to the contents of such records except as are provided in this chapter for the review of a decision of the supervisor or the Geothermal Resources Board, or in any proceeding initiated for the enforcement of an order of the supervisor, or for the enforcement of a lien created by this chapter, or in criminal proceedings arising out of such records or the statements upon which they are based.

A copy of any document, order, requisition, or decision made, executed, or issued by the supervisor or the district deputy, when certified by the supervisor or the district deputy to be a true copy of the original, shall be received in evidence in any proceeding herein provided, in like manner and with the same effect as the original.

The records of any operator who is defunct or no longer in business in California and which relate to an abandoned or deserted well shall be open to inspection or for copying by anyone after the supervisor determines that the conditions specified are met.

The records of any operator filed for a completed or producing well that has been transferred by sale, lease, or otherwise shall be available to the new owner or lessee for his inspection or copying and shall also be available for inspection or copying by others upon the written authorization of such new owner or lessee.

SEC. 28. Section 3753 of the Public Resources Code is amended to read:

3753. Upon receipt by the supervisor or by a district deputy of a written complaint, alleging a condition in violation of this chapter, specifically setting forth the condition complained against, signed by the complainant; or upon a written complaint specifically setting forth the condition complained against, signed by a member of the Geothermal Resources Board, the supervisor shall make an investigation of the well or wells and make a written report and order, stating the work required to repair the damage complained of, or stating that no work is required.

A copy of the order shall be delivered to the complainant, or if more than one, to each complainant, and, if the supervisor orders the damage repaired a copy of the order shall be delivered to each of the owners, operators, or agents having in charge the well or wells upon which the work is to be done.

The order shall contain a statement of the conditions sought to be remedied or repaired and a statement of the work required by the supervisor to repair the condition. Service shall be made by mailing copies to such persons at the post office address given.

SEC. 29. Section 3756 of the Public Resources Code is amended to read:

3756. Whenever the Geothermal Resources Board finds that it is in the interest of the protection of geothermal resources from unreasonable waste, the lessors, lessees, operators or other persons owning or controlling royalty or other interests in the separate properties of the same producing or prospective geothermal area, may, with the approval of the board, enter into agreements for the purpose of bringing about the cooperative development and operation of all or a part or parts of the area, or for the purpose of bringing about the development or operation of all or a part or parts of such area as a unit, or for the purpose of fixing the time, location, and manner of drilling and operating of wells for the production of geothermal resources. Any such agreement shall bind the successors and assigns of the parties thereto in land affected thereby and shall be enforceable in an action for specific performance. No such agreement when approved by the board hereunder shall be held to violate any of the statutes of this state prohibiting monopolies or acts, arrangements, agreements, contracts, combinations or conspiracies in restraint of trade or commerce.

SEC. 30. Section 3757 of the Public Resources Code is amended to read:

3757. Any well hereafter drilled for the discovery and production of geothermal resources, which is located within 100 feet of an outer boundary of the parcel of land on which the well is situated, or within 100 feet of a public road or street or highway dedicated prior to the commencement of drilling of the well, is a public nuisance.

SEC. 31. Section 3758 of the Public Resources Code is amended to read:

3758. Where several contiguous parcels of land in one or different ownerships are operated as a single geothermal resources lease or operating unit, the term "outer boundary line" means the outer boundary line of the lands included in the lease or unit. In determining the contiguity of any such parcels of land, no street, road or alley lying within the lease or unit shall be deemed to interrupt such contiguity.

SEC. 32. Section 3760 of the Public Resources Code is amended to read:

3760. Each day in which the drilling of any well is carried on, or on which it is permitted to produce geothermal resources in violation of this chapter is a separate nuisance.

SEC. 33. Section 3761 of said code is amended to read:

3761. The provisions regarding the location of geothermal resources wells do not apply to any wells producing geothermal resources on the effective date of this act.

SEC. 34. Section 3762 of the Public Resources Code is amended to read:

3762. The lessor, lessee, or any operator or any well owner, or the owner of any rig, derrick, or other operating structure, or his local agent, shall within five days from the date of the service of any order from the supervisor or a district deputy, either comply with the order or file with the supervisor or the district deputy a written statement that the order is not acceptable, and that appeal from the order is taken to the Geothermal Resources Board under the provisions of this chapter.

Any such appeal shall operate as a stay of any order issued under or pursuant to the provisions of this chapter.

SEC. 35. Section 3763 of the Public Resources Code is amended to read:

3763. Immediately upon filing of a notice of appeal the secretary of the board shall call a meeting of the board to hear and pass upon the appeal.

The hearing upon the appeal before the board shall be de novo and at such place as the board may designate.

SEC. 35.2. Section 3765 of the Public Resources Code is amended to read:

3765. The board, after hearing, shall affirm, set aside, or modify the order from which the appeal is taken, as determined by a majority of the whole board.

Within 10 days after hearing the evidence, the board shall make a written decision with respect to the order appealed from. The decision of the board shall forthwith be filed with the supervisor and upon such filing shall be final. In case the

order is affirmed or modified, the board shall retain jurisdiction until such time as the work ordered to be done by the order is finally completed.

The written decision shall be served upon the lessor, lessee, or any operator or any well owner, or the owner of any rig, derrick, or other operating structure, or his local agent, and shall supersede the previous order of the supervisor. In case no written decision is made by the board within 30 days after the date of notice of hearing as provided in Section 3764, the order of the supervisor shall be effective upon the supervisor's notifying any such person that the board has failed to make a decision and subject only to review by writ of certiorari from the superior court as provided in this chapter.

SEC. 35.3. Section 3766 of the Public Resources Code is amended to read:

3766. The decision of the board, or in the event the board fails to make a decision within 30 days after notice of hearing, then the order of the supervisor, may be reviewed by writ of certiorari from the superior court of the county in which the well, or wells, affected by the order is situated, if taken within 10 days after the service of the decision upon the lessor, lessee, or any operator or any well owner, or the owner of any rig, derrick, or other operating structure, or his local agent, as provided in Section 3765; or if the board fails to make a decision, then within 10 days after the supervisor notifies any such person of such fact, or within 10 days after decision by the board upon a petition by the supervisor. The writ shall be made returnable not later than 10 days after its issuance and it shall direct the board to certify their record in the cause to the court. On the return day the cause shall be heard by the court unless for good cause it is continued, but no continuance shall be permitted for a longer period than 30 days.

SEC. 35.4. Section 3768 of the Public Resources Code is amended to read:

3768. If a review is not taken within 10 days, or if taken, in case the decision of the board is affirmed, the lien upon the property shall be enforced in the same manner as are other liens on real property, and shall first be enforced against the lessor, lessee, or any operator or any well owner, or the owner of any rig, derrick, or other operating structure, or his local agent, and against the personal property and fixtures used in the construction or operation thereof, and then, if there is any deficiency, against the land upon which the work is done. Upon the request of the supervisor, the State Controller shall bring an action for the enforcement of the lien in the manner provided in this chapter.

SEC. 36. Section 3770 of the Public Resources Code is amended to read:

3770. Witnesses shall be entitled to receive the fees and mileage fixed by law in civil causes, payable from the Geothermal Resources Account of the Petroleum and Gas Fund.

SEC. 37. Section 3772 of the Public Resources Code is amended to read:

3772. If any charge or penalty imposed under this chapter is not paid when due, and the person against whom the charge or penalty has been imposed has been given an opportunity for hearing before the State Oil and Gas Supervisor as to the validity of such charge or penalty, the State Controller may record in the office of any county recorder, a certificate specifying the amount of the charges, interest and penalty due, the name and address of the person charged, and the statement that there has been compliance with all the provisions of law in relation to the computation of the charges.

From the time of recording the amount of the charges, interest, and penalty set forth constitutes a lien upon the property in the county owned by the person charged or afterwards and before the lien expires acquired by him. The lien shall have the force, effect, and priority of a judgment lien and shall continue for 10 years from the date of the recording unless it has been released or otherwise discharged.

Within 10 years from the date of the recording or within 10 years from the date of the last extension of the lien, in the manner provided for in this section, the lien may be extended by recording in the office of the county recorder of any county a new certificate. From the time of the recording, the lien shall attach to the property in the county and shall continue for a period of 10 years from the date of the recording unless it has been released or otherwise discharged.

A warrant may be issued by the State Controller or his duly authorized representative for the collection of any charges, interests and penalty and for the enforcement of any such lien directed to the sheriff or constable and shall have the same effect as a writ of execution. It may and shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

The sheriff or constable shall receive, upon the completion of his services pursuant to a warrant, and the Controller is authorized to pay to him the same fees and commissions and expenses in connection with services pursuant to said warrant as are provided by law for similar services pursuant to a writ of execution; provided, that fees for publication in a newspaper shall be subject to approval by the Controller rather than by the court; said fees, commissions and expenses shall be an obligation of the person or persons liable for the payment of said charges and may be collected from such person or persons by virtue of the warrant or in any other manner provided in this chapter for the collection of such charges.

In the event that the lien of the charges, penalties or interest attaches to real property from which geothermal energy is extracted and more than one parcel of property is included within the lien, the Controller may release by certificate as

hereinabove provided from the lien of said charges, interest and penalties and costs, upon payment by the owner of any parcel or parcels of property of his proportionate share of the charges.

The Controller may at any time release all or any portion of the property subject to the lien from the lien or subordinate the lien to other liens if he determines that the charges are sufficiently secured by a lien on other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of such charges. A certificate by the Controller to the effect that any property has been released from the lien herein provided for or that such lien has been subordinated to other liens shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in the certificate.

SEC. 38. Section 6805 of the Public Resources Code is amended to read:

6805. The commission shall reserve and may exercise the authority to cancel any prospecting permit or lease upon which a commercially valuable deposit of minerals or geothermal resources other than oil or gas has not been discovered or upon which oil or gas has not been discovered in paying quantities upon failure of the permittee or lessee (after 30 days' written notice and demand for performance) to exercise due diligence and care in the prosecution of the prospecting or development work in accordance with the terms and conditions of the permit or lease. After discovery of a commercially valuable deposit of minerals or geothermal resources other than oil or gas on lands subject to any permit or lease issued pursuant to this chapter, or after discovery of oil or gas in paying quantities on lands subject to any lease, such permit or lease may be forfeited and canceled only upon failure of the lessee after 90 days' written notice and demand to comply with any of the provisions of the permit or least or of the regulations applicable thereto and in force at the date of the permit or lease; provided, however, that in the event of any such cancellation the lessee under any oil or gas lease or the permittee or lessee under any geothermal resource permit or lease shall have the right to retain under said permit or lease any and all drilling or producing wells as to which no default exists, together with a parcel of land surrounding each such well or wells and such rights-of-way through the lands, under permit or lease, as may be reasonably necessary to enable such permittee or lessee to drill and operate such retained well or wells. In the event of the cancellation of any permit or lease the permittee or lessee shall have a reasonable time within which to remove any and all property, equipment and facilities owned or used by the permittee or lessee in connection with operations under the permit or lease. The commission shall insert in every permit or lease issued under this chapter appropriate provisions for its cancellation in accordance with the provisions of this section.

SEC. 39. Article 5.5 (commencing with Section 6902) is added to Chapter 3, Division 6 of the Public Resources Code, to read:

Article 5.5. Geothermal Resources

6902. This article shall be known and may be cited as the Geothermal Resources Act of 1967.

6903. For the purposes of this chapter, "geothermal resources" shall mean the natural heat of the earth, the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, such natural heat, and all minerals in solution or other products obtained from naturally heated fluids, brines, associated gases, and steam, in whatever form, found below the surface of the earth, but excluding oil, hydrocarbon gas or other hydrocarbon substances.

6904. Prospecting permits and leases for the extraction and removal of geothermal resources from lands belonging to the state may be issued by the commission as provided in this article. For purposes of this article, state lands shall be defined as all lands owned by the state, including school lands, proprietary lands, tidelands, submerged lands, swamp and overflowed lands, and beds of navigable rivers and lakes, and lands in which geothermal resources have been reserved to the state.

6905. Prospecting permits and leases under this article may be issued only to those who qualify for prospecting permits and leases under Section 6801 of this code.

6906. Administration of this article shall be under the principle of multiple use of public lands and resources, and shall allow coexistence of other permits or leases of the same lands for deposits of other minerals under applicable laws, and the existence of permits or leases issued pursuant to the provisions of this article shall not preclude other uses of the areas covered thereby. However, operations under such other permits or leases or such other uses shall not unreasonably interfere with or endanger operations under any permit or lease issued pursuant to this article, nor shall operations under permits or leases issued pursuant to the provisions of this article unreasonably interfere with or endanger operations under any permit or lease issued pursuant to the provisions of any other act. Nor shall this article be construed as superseding the authority which the head of any state department or agency has with respect to the management, protection, and utilization of the state lands and resources under his jurisdiction. The commission may prescribe in its rules and regulations those conditions it deems to be necessary for the protection of other resources.

6907. Where it is determined by the commission independently or on advice of the Geothermal Resources Board that the production or use of geothermal resources is also susceptible of economically producing other of the geothermal resources in commercially valuable quantities, and a market

therefor exists. production of such other geothermal resources may be required by the commission.

6908. An application for a prospecting permit or lease shall not be made for less than 640 acres nor more than 2,560 acres and shall embrace a reasonably compact area; provided, however, that a permit or lease may be issued for a parcel less than 640 acres if such parcel is isolated from or not contiguous with other parcels of land available for permit or lease hereunder. The commission may provide for compensatory agreements on those parcels of state land which it feels should be subjected to such agreements rather than to leasing thereof. No person, association, or corporation shall take, hold, own, or control at one time, whether acquired directly from the commission under this act or otherwise, any direct or indirect interests in state geothermal leases exceeding 25,600 acres. Prospecting permits or leases for lands beneath lakes and rivers, and below the mean high tide level of tide and submerged lands, may be issued for not less than 640 acres nor more than 5,760 acres and shall embrace a reasonably compact area, except that a permit or lease may be issued for a parcel less than 640 acres if such parcel is isolated from or not contiguous with other parcels of land available for permit or lease hereunder. No limitation shall apply to the number of permits or leases granted under this act.

6909. Subject to the provisions of Section 6906, the commission shall issue a permit to the first qualified applicant therefor under such rules and regulations as it may prescribe for lands which have not been classified as known geothermal resources lands, upon the payment to the commission of one dollar ($1) per acre for each acre of lands included in the permit, in accordance with subdivision (c) of Section 6913 of this code An application for a permit shall be denied if, prior to the issuance of the permit, the lands are classified or reclassified as known geothermal resources lands pursuant to subdivision (b) of Section 6912.

6910. A permit shall give to the permittee the exclusive right for a period of three years to prospect for geothermal resources upon lands included within said permit. The commission may, in its discretion, extend the primary term of any permit for a period not exceeding two years; provided that the combination of the primary term and extension of any permit shall not exceed a total of five years The commission may amend or terminate any permit issued by it within the primary term period or within the extension, if any, with the consent of the permittee.

6911. Upon the classification of any of the lands included within a permit issued under this article as being known geothermal resources lands, the permittee shall be entitled to a lease for such lands in accordance with Section 6918 of this code. The classification of any such lands shall be made in accordance with subdivision (b) of Section 6912 of this code. The

terms of such lease shall include the royalties and other terms contained in Section 6913 on the effective date of the lease.

6912. (a) If the lands to be leased under this article are within a known geothermal resources area and no permit thereon has been issued, such lands shall be leased to the highest responsible qualified bidder under such rules and regulations as the commission may prescribe for notice to the public of terms and conditions of the sale, conduct of the sale, receipt of bid, and awarding of the lease, and bidding shall be by competitive bid and on the basis of a cash bonus, net profit, or other single biddable factor.

(b) The classification of a known geothermal resources area, which shall contain at least one well capable of producing geothermal resources in commercial quantities, shall be made by the commission independently or upon recommendations of the Geothermal Resources Board.

(c) The commission shall have the power in leasing lands hereunder to prescribe a development program. In prescribing such program, the commission shall consider all applicable economic factors, including market conditions and the cost of drilling for, producing, processing and utilizing of geothermal resources.

6913. Each permit and lease issued under this article shall provide for the following rentals and royalties with respect to geothermal resources produced, saved and sold from the lands included within said permit or lease:

(a) A royalty of 10 percent of the gross revenue, exclusive of charges, approved by the commission, made or incurred with respect to transmission or other services or processes, received from the sale of steam, brines, from which no minerals have been extracted, and associated gases at the point of delivery to the purchaser thereof.

(b) A royalty of not less than 2 percent nor more than 10 percent of the gross revenue received from the sale of mineral products or chemical compounds recovered from geothermal fluids in the first marketable form as to each such mineral product or chemical compound for the primary term of the lease

(c) An annual rental payable in advance of one dollar ($1) per acre or fraction thereof for each year of a permit or lease.

(d) If, after the discovery of geothermal resources in commercial quantities, the total royalties due to the state during any calendar year do not equal or exceed a sum equal to two dollars ($2) per acre for each acre or fraction thereof then included in the permit or lease, the permittee or the lessee shall, within 60 days after the end of the year, pay such sum as is necessary to equal a minimum royalty of two dollars ($2) per acre.

(e) The royalties specified herein shall be subject to renegotiation after 20 years from the effective date of the lease and at 10-year intervals thereafter based upon recommendations of the Geothermal Resources Board, and such renegotiations shall

not be limited by the maximum royalties specified in subdivisions (a) and (b).

Royalty payments shall be made pursuant to the provisions of subdivisions (a) and (b) for all geothermal resources used by the permittee or lessee and not sold, with the gross revenue therefrom to be determined as though said geothermal resources had been sold to a third person at the then prevailing market price in the same market area and under the same marketing conditions; provided, however, that no royalties shall be payable for steam used by the permittee or lessee in the production of any geothermal mineral products or chemical compounds recovered from geothermal fluids in first marketable form subject to the payment of royalties under subdivisions (a) or (b).

6914. The holder of any geothermal resources permit or lease may quitclaim or relinquish his rights under such permit or lease pursuant to the provisions of Section 6804.1 of this code.

6915. Subject to the other provisions of this article, the permittee or lessee shall be entitled to use so much of the surface as is reasonably necessary as determined by the commission for the production and conservation of geothermal resources.

6916. The commission independently or upon the advice of the Geothermal Resources Board, may waive, suspend, or reduce the rental or minimum royalty for the lands included in any permit or lease, or any portion thereof, and waive, suspend, alter or amend the operating requirements contained in the lease or regulations promulgated hereunder affecting operations of the lease or permit, in the interests of conservation, and to encourage the greatest ultimate recovery of geothermal resources if it determines that such action is necessary or beneficial to promote development or finds that the permit or lease cannot be successfully operated under the permit or lease terms or under the regulations. The commission shall file a report with the Legislature annually on all waivers, suspensions, reductions, alterations or amendments made by the commission pursuant to the provisions of this section together with the reasons therefor.

6917. A permit or lease may be terminated by the commission only pursuant to the provisions of Section 6805 of this code.

6918. Leases under this article shall be for a primary term of 20 years and so long thereafter as geothermal resources are being produced or utilized or are capable of being produced or utilized in commercial quantities from such lands or from lands unitized therewith; provided, that such leases shall not exceed a term of 99 years.

6919. Notwithstanding any other provision of this article, at any time within 180 days following the effective date of this article any person who prior to the effective date of this article has made application for or who holds an unexpired prospecting permit or lease issued by the commission prior

to said date, upon showing to the satisfaction of the commission that such application, prospecting permit, or lease, as the case may be, was made or issued to develop geothermal resources, may convert it to an application, permit, or lease under this article, having a priority dating from the date of filing or issuance thereof. Conversion of such application, prospecting permit, or lease shall be accomplished in accordance with procedures prescribed by the commission; provided, however, that the competitive bidding provisions of Section 6912 shall not be applicable to conversion of such application, permit, or lease.

6920. Any person engaged in the production of geothermal resources under a lease issued by the commission may commingle geothermal resources from any two or more wells without regard to whether such wells are located on the lands for which such lease was issued or elsewhere, provided, however, that said lessee shall install and maintain meters or other measuring devices satisfactory to the commission to measure the amount of geothermal resources produced from lands for which leases were issued by the commission.

6921. A permittee or lessee may upon the approval of the commission drill special wells, convert producing wells or reactivate and convert abandoned wells for the sole purpose of reinjecting geothermal resources or the residue thereof.

6922. In case of an application for a permit or lease covering lands which have been sold by the state, subject to a reservation by the state of the geothermal resources thereof, by anyone other than the owner of such lands, the owner shall have six months from the date of service of notice on the owner of such application within which to file his application for a permit or lease. Such notice shall be served by the applicant together with a copy of the application. If the owner exercises his rights hereunder and is a qualified person, his application shall be granted but subject to all the other provisions of this article. If the owner fails to exercise the rights granted by this section, then the owner's rights hereunder shall thereupon cease and terminate and the original applicant shall be permitted to proceed with his application.

In the event that the lands subject to such classification are classified as being within a known geothermal resource area, then, after the commission has determined the highest competitive bid thereon, the owner may within 10 days after notification by the commission submit a bid identical to such highest acceptable bid, in which case the commission shall issue a lease to such surface landowner. If the surface landowner does not file such a bid within such period of time, the commission may proceed with the award of the bid to other than such surface landowner.

6923. For the purpose of more properly conserving the natural resources of any geothermal resources areas, or any part thereof, the lessees thereof may unite with each other or with others in collectively adopting and operating under a co-

operative or unit plan of development or operation of such geothermal resources lands, consistent with the provisions of Section 3756 of this code. The commission may, with the consent of the holders of leases involved, establish, alter, change, and revoke any drilling and production requirements of such leases, permit apportionment of production, and may make such regulations with reference to such leases, with like consent on the part of such lessees, in connection with the institution and operation of any such cooperative or unit plan, as the commission deems necessary or proper to secure the proper protection of the interests of the state.

6924. Where the surface of state-owned lands sought for use or development of geothermal resources or the waters thereon are under the jurisdiction of a state department or agency other than the commission, the commission may issue permits or leases under this article only with the consent of and subject to such reasonable terms and conditions as may be prescribed by such other department or agency to insure the adequate utilization of the surface of the lands or the waters thereon for the purposes for which they are then being administered or for which they were acquired, provided, however, that such other department or agency shall not prescribe any terms and provisions inconsistent with this article nor any rental or royalty for the use of said lands.

6925. A permit or lease under this article may be assigned, transferred, or sublet as provided for in Section 6804 of this code.

CHAPTER 1399

An act to amend Sections 24348, 24455, 24504, and 24670 of, and to add Sections 24274 and 24457 to, the Revenue and Taxation Code, relating to bank and corporation taxes.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 24274 is added to the Revenue and Taxation Code, to read:

24274. The amount of any increase in the suspense account required by paragraph (4)(B)(ii) of Section 24348(b) (relating to certain debt obligations guaranteed by dealers) shall be included in gross income for the income year for which such increase is required.

SEC. 2. Section 24348 of the Revenue and Taxation Code is amended to read:

24348. (a) There shall be allowed as a deduction debts which become worthless within the income year; or, in the discretion of the Franchise Tax Board, a reasonable addition to a reserve for bad debts. When satisfied that a debt is

recoverable in part only the Franchise Tax Board may allow such debt, in an amount not in excess of the part charged off within the income year, as a deduction; provided, however, that if a debt was actually worthless prior to January 1, 1943, but was not ascertained to be worthless and charged off prior to said date, a deduction may be taken therefor during the first income year ending after December 31, 1942; and, provided, that if a portion of a debt is claimed and allowed as a deduction in any year no deduction shall be allowed in any subsequent year for any portion of the debt which in any prior year was charged off, regardless of whether claimed as a deduction in such prior year.

(b) (1) In the case of a taxpayer who is a dealer in property, in lieu of any deduction under subdivision (a), there shall be allowed (in the discretion of the Franchise Tax Board) for any income year beginning on and after January 1, 1967, a deduction—

(A) For a reasonable addition to a reserve for bad debts which may arise out of its liability as a guarantor, endorser, or indemnitor of debt obligations arising out of the sale by it of real property or tangible personal property (including related services) in the ordinary course of its trade or business; and

(B) For the amount of any reduction in the suspense account required by paragraph (4)(B)(i).

(2) Except as provided in paragraph (1), no deduction shall be allowed to a taxpayer for any addition to a reserve for bad debts which may arise out of its liability as guarantor, endorser, or indemnitor of debt obligations.

(3) The opening balance of a reserve described in paragraph (1)(A) for the first income year beginning on and after January 1, 1967, for which a taxpayer maintains such reserve shall, under regulations prescribed by the Franchise Tax Board, be determined as if the taxpayer had maintained such reserve for the preceding income years.

(4) (A) Except as provided by subparagraph (C), each taxpayer who maintains a reserve described in paragraph (1)(A) shall, for purposes of this subdivision and Section 24274, establish and maintain a suspense account. The initial balance of such account shall be equal to the opening balance described in paragraph (3).

(B) At the close of each income year the suspense account shall be—

(i) Reduced by the excess of the suspense account at the beginning of the year over the reserve described in paragraph (1)(A) (after making the addition for such year provided in such paragraph), or

(ii) Increased (but not to an amount greater than the initial balance of the suspense account) by the excess of the reserve described in paragraph (1)(A) (after making the addition for such year provided in such paragraph) over the suspense account at the beginning of such year.

(C) Subparagraphs (A) and (B) shall not apply in the case of the taxpayer who maintained for its last income year beginning before January 1, 1967, a reserve for bad debts under subdivision (a) which included debt obligations described in paragraph (1)(A).

(5) If the taxpayer establishes a reserve under subdivision (b)(1) of this section for an income year beginning on and after January 1, 1967, and ending before December 1, 1968, the establishment of such reserve shall not be considered as a change in method of accounting for purposes of Section 24651(e).

SEC. 3. Section 24455 of the Revenue and Taxation Code is amended to read:

24455. (a) If a corporation redeems its stock (within the meaning of Section 24496(b)), and if paragraph (1), (2), (3) or (4) of subdivision (b) applies, such redemption shall be treated as a distribution in part or full payment in exchange for the stock.

(b) (1) Subdivision (a) shall apply if the redemption is not essentially equivalent to a dividend.

(2) (A) Subdivision (a) shall apply if the distribution is substantially disproportionate with respect to the shareholder.

(B) This paragraph shall not apply unless immediately after the redemption the shareholder owns less than 50 percent of the total combined voting power of all classes of stock entitled to vote.

(C) For purposes of this paragraph, the distribution is substantially disproportionate if—

(i) The ratio which the voting stock of the corporation owned by the shareholder immediately after the redemption bears to all of the voting stock of the corporation at such time, is less than 80 percent of—

(ii) The ratio which the voting stock of the corporation owned by the shareholder immediately before the redemption bears to all of the voting stock of the corporation at such time.

For purposes of this paragraph, no distribution shall be treated as substantially disproportionate unless the shareholder's ownership of the common stock of the corporation (whether voting or nonvoting) after and before redemption also meets the 80 percent requirement of the preceding sentence. For purposes of the preceding sentence, if there is more than one class of common stock, the determinations shall be made by reference to fair market value.

(D) This paragraph shall not apply to any redemption made pursuant to a plan the purpose or effect of which is a series of redemptions resulting in a distribution which (in the aggregate) is not substantially disproportionate with respect to the shareholder.

(3) Subdivision (a) shall apply if the redemption is in complete redemption of all of the stock of the corporation owned by the shareholder.

(4) Subdivision (a) shall apply if the redemption is of stock issued by a railroad corporation (as defined in Section 77(m) of the Bankruptcy Act, as amended) pursuant to a plan of reorganization under Section 77 of the Bankruptcy Act.

(5) In determining whether a redemption meets the requirements of paragraph (1), the fact that such redemption fails to meet the requirements of paragraph (2), (3), or (4) shall not be taken into account. If a redemption meets the requirements of paragraph (3) and also the requirements of paragraph (1), (2), or (4), then so much of subdivision (c)(2) as would (but for this sentence) apply in respect of the acquisition of an interest in the corporation within the 10-year period beginning on the date of the distribution shall not apply.

(c) (1) Except as provided in paragraph (2) of this subdivision, Section 24497(a) shall apply in determining the ownership of stock for purposes of this section.

(2) (A) In the case of a distribution described in subdivision (b)(3), Section 24497(a)(1) shall not apply if—

(i) Immediately after the distribution the distributee has no interest in the corporation (including an interest as officer, director, or employee), other than an interest as a creditor,

(ii) The distributee does not acquire any such interest (other than stock acquired by request or inheritance) within 10 years from the date of such distribution, and

(iii) The distributee, at such time and in such manner as the Franchise Tax Board by regulations prescribes, files an agreement to notify the Franchise Tax Board of any acquisition described in clause (ii) and to retain such records as may be necessary for the application of this paragraph.

If the distributee acquires such an interest in the corporation (other than by bequest or inheritance) within 10 years from the date of the distribution, then the periods of limitation provided in Chapter 20 and Chapter 23 on the making of an assessment and the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting from such acquisition, include one year immediately following the date on which the distributee (in accordance with regulations prescribed by the Franchise Tax Board) notifies the Franchise Tax Board of such acquisition; and such assessment and collection may be made notwithstanding any provision of law or rule of law which otherwise would prevent such assessment and collection.

(B) Subparagraph (A) of this paragraph shall not apply if—

(i) Any portion of the stock redeemed was acquired, directly or indirectly, within the 10-year period ending on the date of the distribution by the distributee from a person the ownership of whose stock would (at the time of distribution) be attributable to the distributee under Section 24497(a), or

(ii) Any person owns (at the time of the distribution) stock the ownership of which is attributable to the distributee under

Section 24497(a) and such person acquired any stock in the corporation, directly or indirectly, from the distributee within the 10-year period ending on the date of the distribution, unless such stock so acquired from the distributee is redeemed in the same transaction.

The preceding sentence shall not apply if the acquisition (or, in the case of clause (ii), the disposition) by the distributee did not have as one of its principal purposes the avoidance of bank and corporation tax.

(d) Except as otherwise provided in this chapter, if a corporation redeems its stock (within the meaning of Section 24496 (b)), and if subdivision (a) of this section does not apply, such redemption shall be treated as a distribution of property to which Sections 24451 to 24454 applies.

SEC. 4. Section 24457 is added to the Revenue and Taxation Code, to read:

24457. (a) (1) For purposes of Section 24455, if:

(A) One or more persons are in control of each of two corporations, and

(B) In return for property, one of the corporations acquires stock in the other corporation from the person (or persons) so in control,

then (unless paragraph (2) applies) such property shall be treated as a distribution in redemption of the stock of the corporation acquiring such stock. In any such case, the stock so acquired shall be treated as having been transferred by the person from whom acquired, and as having been received by the corporation acquiring it, as a contribution to the capital of such corporation.

(2) For purposes of Section 24455, if:

(A) In return for property, one corporation acquires from a shareholder of another corporation stock in such other corporation, and

(B) The issuing corporation controls the acquiring corporation, then such property shall be treated as a distribution in redemption of the stock of the issuing corporation.

(b) (1) In the case of any acquisition of stock to which subdivision (a) of this section applies, determinations as to whether the acquisition is, by reason of Section 24455(b), to be treated as a distribution in part or full payment in exchange for the stock shall be made by reference to the stock of the issuing corporation. In applying Section 24497(a) (relating to constructive ownership of stock) with respect to Section 24455(b) for purposes of this paragraph, Section 24497(a) (2) shall be applied without regard to the 50 percent limitation contained therein.

(2) (A) In the case of any acquisition of stock to which paragraph (1) (and not paragraph (2)) of subdivision (a) of this section applies, the determination of the amount which is a dividend shall be made solely by reference to the earnings and profits of the acquiring corporation.

(B) In the case of any acquisition of stock to which subdivision (a) (2) of this section applies, the determination of the amount which is a dividend shall be made as if the property were distributed by the acquiring corporation to the issuing corporation and immediately thereafter distributed by the issuing corporation.

(c) (1) For purposes of this section, control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote, or at least 50 percent of the total value of shares of all classes of stock. If a person (or persons) is in control (within the meaning of the preceding sentence) of a corporation which in turn owns at least 50 percent of the total combined voting power of all stock entitled to vote of another corporation, or owns at least 50 percent of the total value of the shares of all classes of stock of another corporation, then such person (or persons) shall be treated as in control of such other corporation.

(2) Section 24497(a) (relating to the constructive ownership of stock) shall apply for purposes of determining control under paragraph (1). For purposes of the preceding sentence, Section 24497(a)(2) shall be applied without regard to the 50 percent limitation contained therein.

SEC. 5. Section 24504 of the Revenue and Taxation Code is amended to read:

24504. (a) If property is received in a distribution in partial or complete liquidation (other than a distribution to which Section 24503 applies), and if gain or loss is recognized on the receipt of such property, then the basis of the property in the hands of the distributee shall be the fair market value of such property at the time of the distribution.

(b) (1) If property is received by a corporation in a distribution in complete liquidation of another corporation (within the meaning of Section 24502(b)), then except as provided in paragraph (2), the basis of the property in the hands of the distributee shall be the same as it would be in the hands of the transferor. If the property is received by a corporation in a transfer to which Section 24502(c) applies, and if paragraph (2) of this subdivision does not apply, then the basis of the property in the hands of the transferee shall be the same as it would be in the hands of the transferor.

(2) If property is received by a corporation in a distribution in complete liquidation of another corporation (within the meaning of Section 24502(b)), and if—

(A) The distribution is pursuant to a plan of liquidation adopted—

(i) On or after December 31, 1954; and

(ii) Not more than two years after the date of the transaction described in subparagraph (B) (or, in the case of a series of transactions, the date of the last such transaction); and

(B) Stock of the distributing corporation possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote, and at least 80 percent of the total number of shares of all other classes of stock (except nonvoting stock which is limited and preferred as to dividends), was acquired by the distributee by purchase (as defined in paragraph (3)) during a 12-month period beginning with the earlier of—

(i) The date of the first acquisition by purchase of such stock, or

(ii) If any of such stock was acquired in an acquisition which is a purchase within the meaning of the second sentence of paragraph (3), the date on which the distributee is first considered under Section 24497(a) as owning stock owned by the corporation from which such acquisition was made

then the basis of the property in the hands of the distributee shall be the adjusted basis of the stock with respect to which the distribution was made. For purposes of the preceding sentence, under regulations prescribed by the Franchise Tax Board, proper adjustment in the adjusted basis of any stock shall be made for any distribution made to the distributee with respect to such stock before the adoption of the plan of liquidation, for any money received, for any liabilities assumed or subject to which the property was received, and for other items.

(3) For purposes of paragraph (2)(B), the term "purchase" means any acquisition of stock, but only if—

(A) The basis of the stock in the hands of the distributee is not determined in whole or in part by reference to the adjusted basis of such stock in the hands of the person from whom acquired;

(B) The stock is not acquired in an exchange to which Section 24521 applies; and

(C) The stock is not acquired from a person the ownership of whose stock would, under Section 24497(a), be attributed to the person acquiring such stock.

Notwithstanding subparagraph (C) of this paragraph, for purposes of paragraph (2)(B), the term "purchase" also means an acquisition of stock from a corporation when ownership of such stock would be attributed under Section 24497(a) to the person acquiring such stock, if the stock of such corporation by reason of which such ownership would be attributed was acquired by purchase (within the meaning of the preceding sentence.)

(4) For purposes of this subdivision, the term "distributee" means only the corporation which meets the 80 percent stock ownership requirements specified in Section 24502(b).

(c) If—

(1) Property was acquired by a shareholder in the liquidation of a corporation in cancellation or redemption of stock; and

(2) With respect to such acquisition—

(A) Gain was realized; but

(B) As the result of an election made by the shareholder under Section 24503, the extent to which gain was recognized was determined under Section 24503;

then the basis shall be the same as the basis of such stock canceled or redeemed in the liquidation, decreased in the amount of any money received by the shareholder, and increased in the amount of gain recognized to him.

SEC. 6. Section 24670 of the Revenue and Taxation Code is amended to read:

24670. (a) If an installment obligation is satisfied at other than its face value or distributed, transmitted, sold, or otherwise disposed of, gain or loss shall result to the extent of the difference between the basis of the obligation and—

(1) The amount realized, in the case of satisfaction at other than face value or a sale or exchange; or

(2) The fair market value of the obligation at the time of distribution, transmission, or disposition, in the case of the distribution, transmission, or disposition otherwise than by sale or exchange.

Any gain or loss so resulting shall be considered as resulting from the sale or exchange of the property in respect of which the installment obligation was received.

(b) The basis of an installment obligation shall be the excess of the face value of the obligation over an amount equal to the income which would be returnable were the obligation satisfied in full.

(c) (1) If—

(A) An installment obligation is distributed in a liquidation to which Section 24502 (relating to complete liquidation of subsidiaries) applies; and

(B) The basis of such obligation in the hands of the distributee is determined under Section 24504(b)(1);

then no gain or loss with respect to the distribution of such obligation shall be recognized by the distributing corporation.

(2) If—

(A) An installment obligation is distributed by a corporation in the course of a liquidation; and

(B) Under Sections 24512, 24513 and 24514 (relating to gain or loss on sales or exchanges in connection with certain liquidations) no gain or loss would have been recognized to the corporation if the corporation had sold or exchanged such installment obligation on the day of such distribution;

then no gain or loss shall be recognized to such corporation by reason of such distribution. The preceding sentence shall not apply to the extent that under subdivision (a) gain to the distributing corporation would be considered as gain to which Section 17417 of this code applies.

(d) In the case of a disposition of an installment obligation by any person other than a life insurance company (as defined in Section 801(a) of the Internal Revenue Code of 1954) to

such an insurance company, no provision of this part providing for the nonrecognition of gain shall apply with respect to any gain resulting under subdivision (a). If a corporation which is a life insurance company for the income year was (for the preceding income year) a corporation which was not a life insurance company, such corporation shall, for purposes of this subdivision and subdivision (a), be treated as having transferred to a life insurance company, on the last day of the preceding income year, all installment obligations which it held on such last day.

SEC. 7. The provisions of this act which affect the computation of taxes shall be operative with respect to income years beginning on or after January 1, 1967, which end after the effective date of this act. The remaining provisions shall be operative on and after the date this act takes effect.

SEC. 8. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1400

An act to amend Sections 5746 and 16858 of the Education Code, relating to adult education.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 5746 of the Education Code is amended to read:

5746. The governing board of any school district maintaining secondary schools or the county superintendent of schools, shall have the power, with the approval of the State Department of Education, to establish special classes for adults designed to serve the educational needs of handicapped adults. Such classes shall be directed to providing instruction in civic, vocational, literary, homemaking, technical, and general education.

SEC. 2. Section 16858 of the Education Code is amended to read:

16858. The county superintendent of schools of any county may use schoolbuses to transport pupils attending schools or classes operated by the county superintendent pursuant to Sections 8901 to 9004, inclusive, of this code, including adults attending special classes for adults designed to serve the edu-

cational needs of handicapped adults operated pursuant to Section 5746 of this code, and teachers or other employees employed by the county superintendent of schools, to and from school athletic contests or other school activities, or to and from fairs or expositions held in the state or in any adjoining state and in which the pupils participate actively or as spectators. The transportation may be provided on any day or days throughout the school year.

CHAPTER 1401

An act to amend Sections 11005, 11006, 11051, 11052, 12406, 12410, 12413, 12458, and 13288 of, to add Article 1 (commencing with Section 6500) to Chapter 7 of Division 6 of, to add Article 4.6 (commencing with Section 11420) to Chapter 3 of Division 9 of, to add Sections 11055, 11075, and 20800 to, to repeal Article 1 (commencing with Section 6501) of Chapter 7 of Division 6 of, to repeal Article 2 (commencing with Section 6551) of Chapter 7 of Division 6 of, and to repeal Chapter 6 (commencing with Section 21451) of Division 16 of, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Article 1 (commencing with Section 6501) of Chapter 7 of Division 6 of the Education Code is repealed.

SEC. 2. Article 1 (commencing with Section 6500) is added to Chapter 7 of Division 6 of the Education Code, to read:

Article 1. Opportunity Schools

6500. In enacting this article, it is the intent of the Legislature to provide an opportunity for pupils who are habitually truant from instruction upon which they are lawfully required to attend, or who are irregular in attendance, or who are insubordinate or disorderly during their attendance upon instruction to resolve their problems and to reestablish themselves for return to regular classes or regular schools as soon as practicable.

6501. The assignment of any pupil to an opportunity school or an opportunity class shall be conducted with a view to the improvement of the pupil and to his restoration, as soon as practicable, to the regular school and regular class in which he would, if not so assigned, be required to attend.

6502. The governing board of any school district may establish schools or may set apart public school buildings or may

set apart in public school buildings a room or rooms for pupils in grades 1 through 12, inclusive, as described in Section 6500. The school building so established or set apart shall be known as an opportunity school and the room or rooms set apart in a public school building shall be known as opportunity class or classes.

6503. Any governing board establishing and maintaining an opportunity school or opportunity classes may make such special rules and regulations for its government and administration as are consistent with the provisions and purposes of this article, and not contrary to law.

6504. An opportunity school may be established as an elementary or secondary school, and an opportunity class or classes may be established in any elementary or secondary school of any school district.

6505. The opportunity school or opportunity class or classes shall be established and maintained specially for the instruction of such pupils in grades 1 through 12, inclusive, as are assigned thereto by the city superintendent of schools, or, if there is no city superintendent, the board of education of any city or city and county, or the county superintendent of schools as provided by this code.

6506. The governing board of any school district, or the district superintendent of schools, or any person designated by the governing board in writing, may assign pupils to an opportunity school or to opportunity class or classes in accordance with the provisions and purposes of this article.

6507. If any pupil assigned to an established opportunity school or opportunity class or classes is a habitual truant, or is irregular in attendance at such opportunity school or class, or is insubordinate or disorderly during attendance at such opportunity school or class, the supervisor of attendance or the secretary of the board of education or clerk of the board of trustees, if there is no supervisor of attendance, shall request a petition on his behalf in the juvenile court of the county. If the court upon hearing the case finds that the allegations are sustained by the evidence, the court, in addition to any other judgment it may make regarding the pupil, may render judgment that the parent, guardian, or person having the control or charge of the child shall deliver him at the beginning of each school day, for the remainder of the school term, at the school or class designated by school authorities.

6508. The governing board of a school district or school districts, as the case may be, maintaining an opportunity school or opportunity class may accept and expend grants from the federal government or from other public or private sources for the purposes of this article.

SEC. 3. Article 2 (commencing with Section 6551) of Chapter 7 of Division 6 of the Education Code is repealed.

SEC. 3.5. Section 11005 of the Education Code is amended to read:

11005. The minimum schoolday in grades 1, 2, and 3 in elementary schools, except in opportunity schools or classes, is 200 minutes.

SEC. 4. Section 11006 of the Education Code is amended to read:

11006. The minimum schoolday in grades 4, 5, 6, 7, and 8 in elementary schools and in special day and evening classes of an elementary school district, except in opportunity schools or classes, is 240 minutes.

SEC. 5. Section 11051 of the Education Code is amended to read:

11051. No pupil in a high school, other than a pupil in a vocational education program occupationally organized and conducted under federal approval, evening high school, continuation high school, or continuation education class, shall be credited with more than one day of attendance in any calendar day and nothing in this article (commencing with Section 11051) shall be construed to the contrary.

SEC. 6. Section 11052 of the Education Code is amended to read:

11052. The minimum schoolday in any high school, except in an evening high school, a regional occupational center, an opportunity school and in opportunity classes, a continuation high school, in continuation education classes, and in late afternoon or Saturday occupationally organized vocational training programs conducted under a federally approved plan for vocational education, is 240 minutes.

SEC. 7. Section 11055 is added to the Education Code, to read:

11055. The minimum day in special day or Saturday vocational training programs is 180 minutes.

SEC. 8. Section 11075 is added to the Education Code, to read:

11075. The minimum day in an opportunity school or opportunity class is 180 minutes

SEC. 9. Article 4.6 (commencing with Section 11420) is added to Chapter 3 of Division 9 of the Education Code, to read:

Article 4.6. Opportunity Schools

11420. Units of average daily attendance in the opportunity schools or classes for a fiscal year are the quotient arising from dividing the total number of days of pupils' attendance in such schools or classes during the fiscal year by 175.

SEC. 10. Section 12406 of the Education Code is amended to read:

12406. The arresting officer shall forthwith deliver the child arrested either to the parent, guardian, or other person having control, or charge of the child, or to the school from which the child is a truant, or, if the child has been declared

an habitual truant, he shall cause the child to be brought before the juvenile court of the county.

SEC. 12. Section 12410 of the Education Code is amended to read:

12410. If there is no opportunity school or opportunity class in the county, the court, in addition to any judgment it may make regarding the child, may render judgment that the parent, guardian, or person having the control or charge of the child shall deliver him at the beginning of each schoolday, for the remainder of the school term, at the school from which he is a truant, or in which he has been insubordinate or disorderly during attendance, or to a school designated by school authorities.

SEC. 14. Section 12413 of the Education Code is amended to read:

12413. The governing board of the school district may, at any time within one year after the bond has been declared forfeited, have execution issued against any of the parties to the bond to collect the amount thereof. All money paid or collected on the bond shall be paid into the county treasury as provided for in Section 17152.

SEC. 15. Section 12458 of the Education Code is amended to read:

12458. All fines paid as penalties for the violation of any of the provisions of this chapter (commencing at Section 12101) shall, when collected or received, be paid over by the justice, court or officer receiving them to the treasurer of the city, county, or city and county, in which the offense was committed, to be placed to the credit of the school fund of the school district in which the offense was committed.

SEC. 16. Section 13288 of the Education Code is amended to read:

13288. Teachers in opportunity schools or classes shall have the same qualifications and shall be employed in the same manner as in other elementary and secondary schools of the school district in which the opportunity schools or classes are situated.

SEC. 17. Section 20800 is added to said code, to read:

20800. The maximum rate of school district tax for any school year is hereby increased by such amount as will produce the amount of the proposed expenditures of the school district required or authorized pursuant to Article 1 (commencing with Section 6500) of Chapter 7 of Division 6 of this code as shown by the budget of the district for such school year, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from the revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed five cents ($0.05) per each one hundred dollars ($100) of the assessed value of property within the elementary or high school

district, and said increase shall be in addition to any other school district tax authorized by law to be levied.

In a unified school district the increase provided by this section shall not exceed ten cents ($0.10) per each one hundred dollars ($100) if the district maintains one or more elementary schools and high schools, and said increase shall be in addition to any other school district tax authorized by law to be levied.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the expenditures of the school district during that fiscal year required or authorized by Article 1 (commencing with Section 6500) of Chapter 7 of Division 6 of this code, provided, however, that a district may accumulate from year to year any unencumbered balance derived from the tax levied under this section so long as the accumulated money is ultimately expended for a purpose authorized by Article 1 (commencing with Section 6500) of Chapter 7 of Division 6 of this code.

SEC. 18. Chapter 6 (commencing with Section 21451) of Division 16 of the Education Code is repealed.

SEC. 19. 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 such necessity are:

Education of the children of this state is of prime importance and every possible avenue to provide such education should be thoroughly considered. The establishment of opportunity schools or classes is an attempt to promote the well-being, improvement and education of pupils who are habitually truant from instruction upon which they are lawfully required to attend, or who are irregular in attendance, or who are insubordinate or disorderly during their attendance upon instruction. Unless this act takes effect immediately and is permitted to apply to the 1967–68 fiscal year, students who need an opportunity to resolve their individual problems and reestablish themselves for return to regular schools and classes will be subjected to an unjustifiable delay.

CHAPTER 1402

An act to amend Section 1658.3 of the Business and Professions Code, relating to dental offices.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1658.3 of the Business and Professions Code is amended to read:

1658.3. Nothing in this article shall limit or authorize the board to limit the number of additional places of practice authorized by the board, which are in operation on October 1, 1961, and which conform to the provisions of this article, nor prevent or limit a licensee from acquiring from his parent, by sale, transfer, assignment, gift, succession, bequest, or operation of law, whether heretofore or hereafter made, prior to January 1, 1968 or the effective date of the amendments to this section enacted by the Legislature at the 1967 Regular Session, whichever date occurs later, and from operating any additional office or offices of his parent so acquired.

CHAPTER 1403

An act to amend Sections 189 and 190 of the Streets and Highways Code, relating to grade separations.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 189 of the Streets and Highways Code is amended to read:

189. On or before the first day of each year the Public Utilities Commission shall establish and furnish to the Department of Public Works a list of crossings at grade in separation of grade districts, of city streets or county roads and the tracks of any railroad corporation or corporations, and of existing grade separations in need of alteration or reconstruction in the order of priority which in the judgment of the commission justifies the elimination of the crossing at grade by the erection or construction of separation structures or justifies the alteration or reconstruction of existing grade separations. The commission shall include in such listing only such crossings which in its judgment are most urgently in need of separation or alteration, taking into consideration the possibility of financing the same under the provisions of this code.

The priority list shall terminate on the last day of the year for which it is established.

SEC. 2. Section 190 of the Streets and Highways Code is amended to read:

190 In each annual budget report prepared by the commission and the department under Section 143.1 of this code, commencing with the 1958–59 fiscal year, the sum of five million dollars ($5,000,000) shall be set aside for allocations to grade separation projects, including the elimination of grade crossings and the alteration or reconstruction of grade separations, of separation of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189–191, inclusive, of this code. An allocation shall be made of one-half of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of said sections, except that in no event shall allocations be made to projects for the alteration or reconstruction of grade separations unless the affected railroad or railroads have agreed, or have been required by decision of the Public Utilities Commission, to contribute not less than 10 percent of the cost of such alteration or reconstruction project. An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have been executed, that sufficient funds from the local agency or agencies are available and that all other matters prerequisite to awarding the construction contract within a period of six months have been or can be taken care of within that time. Funds of a local agency shall be deemed available for purposes of this section to the extent of the amount of any general obligation bonds authorized but unsold if all proceedings prior to the issuance and sale of the bonds have been validly taken and if the bonds may be validly issued and sold by the local agency at any time, even though at the time of allocation under this section the bonds have not been issued or sold. Where such bond proceedings have been taken, if the bonds are not issued and sold within six months after the time of such allocation, the commission may order the allocation canceled, and shall thereupon revert the amount thereof to the fund set aside by this section, for reallocation to another eligible project. In any event, regardless of the method proposed by the local agency for the financing of its share of the project cost, if after an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the fund set aside by this section.

The department and the commission may make allocations from a succeeding fiscal year's sum of five million dollars ($5,000,000) on and after January 1st preceding the begin-

ning of such fiscal year. Engineering, right of way acquired for the project and utility relocation costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds.

A local agency that furnishes evidence to the department that it has complied with all requirements for an allocation pursuant to this section may, if it has sufficient funds available for that purpose, proceed with the advertising for bids and the construction without prejudice to its right to receive an allocation if an allocation becomes available for that local agency before the termination of the priority list established for the year during which the construction commenced.

Funds set aside for the purposes specified in this section shall be available for allocation and expenditure without regard to fiscal years.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If, after completion of the project, the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission. If more projects comply with the requirements hereof than can be financed from the fund set aside by this section, allocations shall be made only to those highest on the priority list submitted by the Public Utilities Commission, except for those allocations made for projects which exceed the estimated costs. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

CHAPTER 1404

An act to amend Section 4765 of the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 4765 of the Health and Safety Code is amended to read:

4765. Any district, directly or through a representative, may attend the Legislature and any committees thereof and present information to aid the passage of legislation which the district deems beneficial to the district or to prevent the passage of legislation which the governing board of the district deems detrimental to the district. The cost and expense incident thereto are proper charges against the district. Such districts may enter into and provide for participation in the business of associations and through a representative of the associations attend the Legislature, and any committees thereof, and present information to aid the passage of legislation which the association deems beneficial to the districts in the association, or to prevent the passage of legislation which the association deems detrimental to the districts in the association. The cost and expense incident thereto are proper charges against the districts comprising the association.

SEC. 2. The amendment to Section 4765 of the Health and Safety Code made by the 1967 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

CHAPTER 1405

An act to amend Sections 677 and 2606 of, and to add Sections 633.2, 679, 976.1, 976.6, and 2606.1 to, the Unemployment Insurance Code, relating to unemployment disability insurance.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 633.2 is added to the Unemployment Insurance Code, to read:

633.2. Notwithstanding the provisions of Section 633, "employment" includes service for a hospital as specified in Section 2606.1.

SEC. 2. Section 679 is added to the Unemployment Insurance Code, to read:

679. "Employer" means any employing unit establishing, maintaining and operating a hospital pursuant to Division 23 (commencing with Section 32000) of the Health and Safety Code.

SEC. 3. Section 677 of the Unemployment Insurance Code is amended to read:

677. "Employer" means any employing unit which is a corporation, community chest, fund, or foundation, and which operates a hospital as defined in Section 1401 of the Health and Safety Code including the institutions described in subdivisions (c), (e), and (f) of Section 1415 of the Health and Safety Code but not including those described in subdivisions (a), (b), and (g) of Section 1415 of the Health and Safety Code, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954, and which, for some portion of a day, has within the current calendar year or had within the preceding calendar year one or more individuals performing service in its employ and pays wages for such service in excess of one hundred dollars ($100) during any calendar quarter.

SEC. 4. Section 976.1 is added to the Unemployment Insurance Code, to read:

976.1. Employer contributions required by Section 976 shall not be required from an employer as defined in Section 679.

SEC. 5. Section 976.6 is added to the Unemployment Insurance Code, to read:

976.6. Employer contributions required by Section 976.5 shall not be required from an employer as defined in Section 679.

SEC. 6. Section 2606 of the Unemployment Insurance Code is amended to read:

2606. "Employment" for the purposes of this part means:

(a) Service included in "employment" as defined by Part 1 of this division.

(b) Service in agricultural labor, including agricultural labor for an agricultural or horticultural organization.

(c) Notwithstanding any other provision of this division, all service performed in the employ of a corporation, community chest, fund, or foundation, in connection with the operation of a hospital as defined in Section 1401 of the Health and Safety Code including the institutions described in subdivisions (c), (e), and (f) of Section 1415 of the Health and Safety Code but not including those described in subdivisions (a), (b), and (g) of Section 1415 of the Health and Safety Code, no part of the net earnings of which inures to the benefit

of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954, except service performed by an individual as a duly ordained priest, clergyman, rabbi, rector, vicar, pastor, or minister of religion, or by a practitioner who heals the sick by prayer in the practice of religion, or by a reader whose duty it is to conduct regular religious services of a religious organization, or by a member of a religious order in the exercise of duties required by the order, or by any other individual performing service in the practice of religion by designation of the governing body of a religious organization and subject to discipline by, including removal by, such governing body.

SEC. 7. Section 2606.1 is added to the Unemployment Insurance Code, to read:

2606.1. "Employment," for the purposes of this part, also means service for a hospital established, maintained and operated pursuant to Division 23 (commencing with Section 32000) of the Health and Safety Code.

SEC. 8. The provisions of Sections 677 and 2606 of the Unemployment Insurance Code as amended by this act, and the provisions of Sections 633.2, 679, 976.1, 976.6, and 2606.1 of said code as added by this act, shall be operative with respect to remuneration paid on and after January 1, 1968. The provisions of the Unemployment Insurance Code, as in effect prior to such changes, shall continue to be applicable to remuneration paid prior to January 1, 1968.

CHAPTER 1406

An act to amend Section 74341 of the Government Code, relating to courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 74341 of the Government Code is amended to read:

74341. There shall be 20 judges.

CHAPTER 1407

An act to add Sections 20207 and 20207.1 to the Government Code, relating to investment of the State Employees' Retirement Fund.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 20207 is added to the Government Code, to read:

20207. In addition to any other investments authorized by this article, the board is authorized to purchase (1) the property described in Section 2 of Chapter 1071 of the Statutes of 1957, hereinafter referred to as "Property A", and (2) the property described in Section 3557 of the Agricultural Code, hereinafter referred to as "Property B", at such price and subject to such terms and conditions as may be agreed upon between the board and the Directors of Finance or General Services, respectively, provided that any such agreement to sell shall contain (1) an option on the part of the seller during a period of 10 years from the date of sale, or as extended by the parties, to repurchase the same, and (2) with respect to "Property B" an option during said period (or as the same may likewise be extended) on the part of the seller to lease the same from the board for a period certain, or which can be made certain, with a right in such event on the part of the seller to sublease the same to third parties. Any such repurchase or lease from the board shall provide, notwithstanding any other provision of this section, for no greater total consideration thereto than necessary for the board to recover its purchase price plus an appropriate rate of interest, as agreed, and any expenses incurred by the board in connection with such sale or lease, providing that during the period any portion of the board's investment has not been recovered by the exercise of options and the payment of consideration thereunder, the agreed interest rate with respect to such unrecovered portion shall not be less than the average interest rate per mortgage commitment made by the board during such period.

Any such sales agreement shall also contain provisions which will permit during said option period and any period of leaseback by the board the Director of General Services to grant such easements for streets or utilities in "Property B" as he deems appropriate.

Any such sales agreement shall provide (a) in the event that an option is exercised with respect to purchasing "Property A" or "B" from the board that at least the entire consideration, when received from any resale thereof by the Director of Finance or General Services, as the case may be, less expenses in connection therewith, should be paid to the board as the pur-

chase price of said property, and (b) in the event an option is exercised with respect to leasing "Property B" that at least the entire net rentals when received from any sublessee thereof by the Director of General Services should be paid to the board as the consideration for its lease.

The proceeds of any sale by the Directors of Finance or General Services to the board pursuant to this section (1) in the case of "Property A" are subject to the provisions of Section 3 of Chapter 1071 of the Statutes of 1957, and (2) in the case of "Property B" shall be credited in the same manner as consideration received from the sale of property pursuant to Section 3557 of the Agricultural Code.

The Director of Finance with respect to "Property A" and the Director of General Services with respect to "Property B," are hereby authorized to sell the same to the board under such terms and conditions as each deems appropriate, subject to the provisions of this section, and to exercise any option contained in the sales agreement. The sales price for said properties may be less than the current fair market value thereof, in view of the limitations upon the free disposition of said properties by the board imposed by this section.

In any event, the sales price for said properties shall not exceed ninety percent (90%) of the appraised value of said properties.

In the event the aforesaid option to lease "Property B" is exercised by the Director of General Services, such director shall have the right to sublease the same under such terms and conditions as he deems appropriate, not inconsistent with such lease. In the event of such sublease the Director of General Services may with respect to "Property B" make any improvements thereon required by a sublessee and permitted by the lease.

Upon the termination of the period for the exercise of any option to purchase "Properties A" or "B", or upon the termination of any lease made by the board with respect to "Property B" as a result of the exercise of an option, the board shall have the same rights in such property (including the right to dispose of the same and retain the full proceeds thereof) as a private purchaser would have.

The Department of General Services shall expeditiously develop a master plan for the exercising of the options to repurchase and dispose of the property. Any portion of Property A or B as to which an option is exercised shall be utilized only in accordance with the land use set forth on the master plan. The Directors of General Services and Finance shall proceed as rapidly as possible to dispose of the properties in accordance with the master plan.

Options shall be exercised for a consideration which will return to the board not less than the appraised value of the interest acquired by the exercise of such option at the time of such exercise, providing that the particular appraisals utilized to measure such value shall be subject to the determination

and approval of the board, and, providing further, that the release of any portion of Property A or B shall in any case be subject to approval by the board. The master plan may be changed by written agreement between the board and the Director of Finance or General Services, as the case may be, where it appears to the satisfaction of the board that the same should be changed for the purpose of increasing the maximum economic utility of the property affected.

For the purposes of this section all references to "Properties A" or "B" shall be deemed to apply equally to any portion of such property. The provisions of this section shall not supersede the powers given the Director of Finance and General Services with respect to the properties in question by other provisions of law, except as expressly provided herein.

SEC. 2. Section 20207.1 is added to the Government Code, to read:

20207.1. The maximum amount which may be invested by the board pursuant to Section 20207 is thirteen million five hundred thousand dollars ($13,500,000).

CHAPTER 1408

An act to add Sections 5207.1, 5207.2, 5207.3, 5207.4, 5207.5, 5207.6, 5207.7, 5207.8, 5207.9, 5213, 5214, 5214.1, 5288.1a, 5288.1b, 5288.2a, 5288.3a, 5288.3b, 5288.3c, 5288.5a, 5288.5b, 5288.5c, 5288.7, and 5311.5 to, and to amend Sections 5206, 5226, 5239, 5286, 5288, 5288.1, 5288.2, 5288.4, and 5288.5 of, the Business and Professions Code, relating to outdoor advertising.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. It is the intention of the Legislature, in enacting this act, to provide for the effective control of outdoor advertising required by the Highway Beautification Act of 1965, Section 131 of Title 23 of the United States Code, as in effect October 22, 1965, and particularly subdivisions (c) and (j) thereof. It is the intention of the Legislature to require that those segments of highways located in this state which are hereinafter referred to as penalty segments and bonus segments conform to the controls required by the said Highway Beautification Act of 1965 and that the bonus segments conform in addition to the controls required by the Federal-Aid Highway Act of 1958, Section 131 of Title 23 of the United States Code, as in effect before October 22, 1965, and the Collier-Z'berg Act, Chapter 128, Statutes 1964 (1st Ex. Sess.), and by the Agreement for Carrying Out the National Policy Relative to Advertising Adjacent to the National System of

Interstate and Defense Highways heretofore entered into pursuant to the said two acts between the United States of America, represented by the Secretary of Commerce, acting through the Federal Highway Administrator and the State of California, acting through the Director of Public Works, to the extent that the said latter controls are "stricter", within the meaning of the Highway Beautification Act of 1965, subdivision (j) of Section 131 of Title 23 of the United States Code, as in effect October 22, 1965.

SEC. 2. Section 5206 of the Business and Professions Code is amended to read:

5206. The verb, to place and any of its variants, as applied to advertising displays, includes the maintaining and the erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible any advertising display on or to the ground or any tree, bush, rock, fence, post, wall, building, structure or thing. It does not include any of the foregoing activities when performed incident to the change of an advertising message or customary maintenance of the advertising display.

SEC. 3. Section 5207.1 is added to the Business and Professions Code, to read:

5207.1. "Interstate highway" means any highway at any time officially designated as a part of the national system of interstate and defense highways by the director and approved by appropriate authority of the federal government.

SEC. 4. Section 5207.2 is added to the Business and Professions Code, to read:

5207.2. "Primary highway" means any highway, other than an interstate highway, at any time officially designated as a part of the federal-aid primary system by the director and approved by appropriate authority of the federal government.

SEC. 5. Section 5207.3 is added to the Business and Professions Code, to read:

5207.3. "The Highway Beautification Act of 1965" refers to Section 131 of Title 23 of the United States Code, as in effect October 22, 1965.

SEC. 6. Section 5207.4 is added to the Business and Professions Code, to read:

5207.4. "The Federal Aid Highway Act of 1958" refers to Section 131 of Title 23 of the United States Code, as in effect before October 22, 1965.

SEC. 7. Section 5207.5 is added to the Business and Professions Code, to read:

5207.5. "The Collier-Z'berg Act" refers to Chapter 128, Statutes 1964, (First Extraordinary Session).

SEC. 8. Section 5207.6 is added to the Business and Professions Code, to read:

5207.6. "Bonus segment" means any segment of an interstate highway which was covered by the Federal Aid Highway Act of 1958 and the Collier-Z'berg Act, namely, any such

segment which is constructed upon right-of-way, the entire width of which was acquired subsequent to July 1, 1956.

SEC. 9. Section 5207.7 is added to the Business and Professions Code, to read:

5207.7. "Penalty segment" means any segment of a highway located in this state which was not covered by the Federal Aid Highway Act of 1958 and the Collier-Z'berg Act but which is covered by the Highway Beautification Act of 1965, namely, any segment of an interstate highway which is constructed upon right-of-way, any part of the width of which was acquired prior to July 1, 1956, and any segment of a primary highway.

SEC. 10. Section 5207.8 is added to the Business and Professions Code, to read:

5207.8. "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled way of a divided highway, or the centerline of the main-traveled way of a nondivided highway.

SEC. 11. Section 5207.9 is added to the Business and Professions Code, to read:

5207.9. "660 feet from the edge of the right-of-way" means 660 feet measured from the edge of the right-of-way horizontally along a line normal or perpendicular to the centerline of the highway.

SEC. 12. Section 5213 is added to the Business and Professions Code, to read:

5213. "Unzoned commercial or industrial area" means an area not zoned under authority of state law in which the land use is characteristic of that generally permitted only in areas which are actually zoned commercial or industrial under authority of state law, embracing all of the land on which one or more commercial or industrial activities are conducted, including all land within 1,000 feet, measured in each direction, from the nearest edge of the commercial or industrial building or activity on such land. As used in this section, "commercial or industrial activities" does not include the outdoor advertising business or the business of wayside fresh-product vending.

SEC. 13. Section 5214 is added to the Business and Professions Code, to read:

5214. "Business area" means an area within 1,000 feet, measured in each direction, from the nearest edge of a commercial or industrial building or activity and which is zoned under authority of state law primarily to permit industrial or commercial activities or an unzoned commercial or industrial area.

SEC. 13.1. Section 5214.1 is added to the Business and Professions Code, to read:

5214.1. For the purpose of this chapter only, the word "freeway" means a divided arterial highway for through traffic with full control of access and with grade separations at intersections.

SEC. 14. Section 5226 of the Business and Professions Code is amended to read:

5226. The provisions of this chapter apply only to the placing of advertising displays within view of highways located in unincorporated areas of this state, except that the placing of advertising displays within 660 feet from the edge of the right-of-way of, and the copy of which is visible from, interstate highways or primary highways, including the portions of such highways located in incorporated areas, shall be governed by this chapter.

SEC. 14.1. Section 5239 of the Business and Professions Code is amended to read:

5239. A person engages in the business of outdoor advertising whenever he personally or through employees places advertising displays containing advertising which does not pertain exclusively to his own business, or changes the advertising message of such advertising displays.

SEC. 14.2. Section 5286 of the Business and Professions Code is amended to read:

5286. No advertising display shall be placed or maintained in any of the following locations or positions or under any of the following conditions or if the advertising structure or sign is of the following nature:

(a) If within the right-of-way of any highway.

(b) If visible from any highway and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this chapter, or if likely to be mistaken for any such permitted sign, or if intended or likely to be construed as giving warning to traffic, such as by the use of the words "stop" or "slow down."

(c) If within any stream or drainage channel or below the flood water level of any stream or drainage channel where the advertising display might be deluged by flood waters and swept under any highway structure crossing the stream or drainage channel or against the supports of the highway structure.

(d) If not maintained in safe condition.

(e) If visible from any highway and displaying any red or blinking or intermittent light likely to be mistaken for a warning or danger signal.

(f) If visible from any highway which is a part of the interstate or primary systems, and displaying any flashing, intermittent or moving light or lights, or which is placed upon trees, or painted or drawn upon rocks or other natural features, except that any such display visible from a highway which is a part of the interstate system (and which highway is constructed upon right-of-way the entire width of which was acquired subsequent to July 1, 1956) and lawfully maintained in existence on July 1, 1964, may be maintained in existence until July 1, 1969. Any such display visible from any highway which is part of the interstate system (and which highway is constructed upon right-of-way any part of which was acquired on

or before July 1, 1956) or any highway which is a part of the primary system and which is lawfully maintained in existence on the effective date of the amendment of this subdivision at the 1967 session of the Legislature may be maintained in existence until July 1, 1970.

(g) If any illumination thereon shall be of such brilliance and so positioned as to blind or dazzle the vision of travelers on adjacent highways.

SEC. 15. Section 5288 of the Business and Professions Code is amended to read:

5288. (a) The regulation of advertising displays adjacent to any interstate highway or primary highway as herein provided is hereby declared to be necessary to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in such highways, to preserve the scenic beauty of lands bordering on such highways, and to insure that information in the specific interest of the traveling public is presented safely and effectively, recognizing that a reasonable freedom to advertise is necessary to attain such objectives. The Legislature finds:

(1) Outdoor advertising is a legitimate commercial use of property adjacent to roads and highways.

(2) Outdoor advertising is an integral part of the business and marketing function, and an established segment of the national economy, and should be allowed to exist in business areas, subject to reasonable controls in the public interest.

(b) Notwithstanding any other provisions of this chapter, no advertising display shall be placed or maintained within 660 feet from the edge of the right-of-way of, and the copy of which is visible from, any interstate or primary highway other than the following:

(1) Directional or other official signs or notices that are required or authorized by law, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, and which comply with regulations which shall be promulgated by the director relative to their lighting, size, number, spacing and such other requirements as may be appropriate to implement this chapter, which regulations shall not be inconsistent with such national standards as may be promulgated from time to time by the Secretary of Transportation of the United States pursuant to subdivision (c) of Section 131 of Title 23 of the United States Code.

(2) Advertising displays advertising the sale or lease of the property upon which they are located, provided all such advertising displays within 660 feet of the edge of the right-of-way of a bonus segment shall comply with the regulations prescribed pursuant to Section 5288.4.

(3) Advertising displays which advertise the business conducted or services rendered or the goods produced or sold upon the property upon which the advertising display is placed, if the display is upon the same side of the highway as the advertised activity; provided all such advertising dis-

plays within 660 feet of the right-of-way of a bonus segment shall comply with the regulations prescribed pursuant to Section 5288.4.

(4) Advertising displays erected or maintained pursuant to regulations of the director, and not inconsistent with the national policy set forth in subdivision (f) of Section 131 of Title 23 of the United States Code and the standards promulgated thereunder by the Secretary of Transportation, and designed to give information in the specific interest of the traveling public.

SEC. 16. Section 5288.1 of the Business and Professions Code is amended to read:

5288.1. The provisions of Section 5288 shall not apply to bonus segments which traverse and abut on commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to and abutting on the national system of interstate and defense highways is subject to municipal regulation or control, or which traverse and abut on other business areas where the land use, as of September 21, 1959, was clearly established by state laws as industrial or commercial, provided that advertising displays within 660 feet of the edge of the right-of-way of such bonus segments shall be subject to the provisions of Section 5288.1b.

SEC. 17. Section 5288.1a is added to the Business and Professions Code, to read:

5288.1a. The provisions of Section 5288 shall not apply to penalty segments which are located, or which are to be located, in business areas and which comply with Section 5288.1b, except that Section 5288 shall apply to unzoned commercial or industrial areas in which the commercial or industrial activity ceases and is removed or permanently converted to other than a commercial or industrial activity, and displays in such areas shall be removed not later than five years following the cessation, removal, or conversion of the commercial or industrial activity.

SEC. 18. Section 5288.1b is added to the Business and Professions Code, to read:

5288.1b. Advertising displays in business areas shall comply with the provisions of this chapter, except the provisions of Section 5288, and shall comply with the following standards:

(a) Advertising displays shall not be placed which exceed 1,200 square feet in area with a maximum height of 25 feet and a maximum length of 60 feet, including border and trim, and excluding base or apron supports and other structural members. This subdivision shall apply to each facing of an advertising display. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire advertisement. Two advertising displays not exceeding 350 square feet each may be erected in a facing. Any advertising display lawfully in existence on August 1, 1967, which exceeds 1,200 square feet in area, and

which is permitted by city or county ordinance, may be maintained in existence.

(b) Advertising displays shall not be placed which are so illuminated that they interfere with the effectiveness of, or obscure any official traffic sign, device, or signal; nor shall any advertising display include or be illuminated by flashing, intermittent or moving lights (except that part necessary to give public service information such as time, date, temperature, weather, or similar information); nor shall any advertising display cause beams or rays of light to be directed at the traveled ways if such light is of such intensity or brilliance as to cause glare or to impair the vision of any driver, or to interfere with any drivers' operation of a motor vehicle.

(c) Advertising displays shall not be placed in such a manner as to obstruct, or otherwise physically interfere with, an official traffic sign, signal, or device or to obstruct, or physically interfere with, the vision of drivers in approaching, merging, or intersecting traffic.

(d) No advertising display shall be placed within 500 feet from another advertising display on the same side of any portion of an interstate highway or a primary highway which is a freeway. No advertising display shall be placed within 500 feet of an interchange, or an intersection at grade, or a safety roadside rest area on any portion of an interstate highway or a primary highway which is a freeway and if the interstate or primary highway is located outside the limits of an incorporated city. No advertising display shall be placed within 300 feet from another advertising display on the same side of any portion of a primary highway which is not a freeway if that portion of the primary highway is located outside the limits of an incorporated city. No advertising display shall be placed within 100 feet from another advertising display on the same side of any portion of a primary highway which is not a freeway if that portion of the primary highway is located inside the limits of an incorporated city. But this subdivision shall not apply to advertising displays which are separated by a building or other obstruction in such a manner that only one display located within the minimum spacing distances set forth herein is visible from the highway at any one time. This subdivision shall not prevent the erection of double-faced, back-to-back, or V-type advertising display, with a maximum of two signs per facing, as permitted in subdivision (a). This subdivision shall not apply to advertising displays permitted by subdivision (b) of Section 5288. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway. Any advertising display lawfully in existence on August 1, 1967, which does not conform to the provisions of this subdivision but which is permitted by city or county ordinances may be maintained in existence.

SEC. 19. Section 5288.2 of the Business and Professions Code is amended to read:

5288.2. Any advertising display located within 660 feet of the edge of the right-of-way of, and the copy of which is visible from, any bonus segment, and which advertising display was lawfully maintained in existence on July 1, 1964, but which is not within one of the classes specified in subdivision (b) of Section 5288 or exempted by Section 5288.1, may be maintained in existence until July 1, 1969, unless required to be removed prior thereto by order of the director; provided that this section shall not apply to advertising displays adjacent to a landscaped freeway.

SEC. 20. Section 5288.2a is added to the Business and Professions Code, to read:

5288.2a. Any advertising display located within 660 feet of the edge of the right-of-way of, and the copy of which is visible from, any penalty segment, or any bonus segment described in Section 5288.1 which display was lawfully maintained in existence on the effective date of this section but which was not on that date in conformity with the provisions of this article, may be maintained, and shall not be required to be removed until July 1, 1970. Any other sign which is lawful when erected, but which does not on January 1, 1968, or any time thereafter, conform to the provisions of this article, may be maintained, and shall not be required to be removed, until the end of the fifth year after it becomes nonconforming; provided that this section shall not apply to advertising displays adjacent to a landscaped freeway.

SEC. 21. Section 5288.3a is added to the Business and Professions Code, to read:

5288.3a. Each removal ordered by the director, on or after the effective date of this section, of any of the following advertising displays which is not as of that date in conformity with the provisions of this article shall be deemed a removal under Section 5288.2a and shall be deemed to constitute a taking, within the meaning of the Highway Beautification Act of 1965, subdivision (g) of Section 131 of Title 23 of the United States Code, as in effect October 22, 1965, of all right, title, and interest, including any leasehold interest, of the owner of the advertising display and of the right of the owner of the real property on which the advertising display is located to erect and maintain such advertising display thereon:

(a) Advertising displays lawfully in existence on October 22, 1965.

(b) Advertising displays on real property adjoining a highway made an interstate highway or a primary highway between October 21, 1965, and January 1, 1968, which were lawfully in existence on the date the highway was so classified.

(c) Signs lawfully in existence on, or lawfully erected on or after, January 1, 1968.

If federal law requires the states to pay just compensation with regard to the removal, on or after July 1, 1970, or the end of the fifth year after an advertising display becomes nonconforming, as the case may be, of such advertising displays,

owners of such advertising displays which are removed pursuant to this article or owners of the land upon which such displays are located, or both, whichever way the federal law is interpreted, shall be paid just compensation. The sole intent of the Legislature in enacting this paragraph is to comply with federal law, and it is otherwise not the intent of the Legislature to in any manner relinquish any of its powers relating to the removal of advertising displays under the police power.

SEC. 22. Section 5288.3b is added to the Business and Professions Code, to read:

5288.3b. The compensation required by Section 5288.3a shall be paid to the person or persons entitled thereto upon filing of a written claim with the director containing such information as the director may reasonably require. The claim for compensation must be filed within 180 days after removal is completed.

SEC. 23. Section 5288.3c is added to the Business and Professions Code, to read:

5288.3c. If the director and a person who has presented a claim under Section 5288.3b do not reach agreement as to whether compensation is payable under Section 5288.3a or as to the amount of such compensation within 120 days after the filing of such a claim, the claimant may institute an action at law to have his right to such compensation and the amount of such compensation determined. Such an action shall be instituted by the filing of the complaint in the superior court for the county in which the advertising display and the real property are located. The complaint shall be filed not later than one year after the filing with the director of the claim for compensation. Such an action shall be treated in accordance with Title 7 (commencing with Sec. 1237) of Part 3 of the Code of Civil Procedure.

SEC. 24. Section 5288.4 of the Business and Professions Code is amended to read:

5288.4. Regulations heretofore promulgated by the director concerning interstate highways constructed upon rights-of-way, the entire width of which was acquired after July 1, 1956, shall be continued in effect to the extent necessary to comply with the agreement with the Secretary of Commerce specified in Section 131(j) of Title 23 of the United States Code. The director shall prescribe and enforce regulations for the erection and maintenance of advertising displays permitted by Sections 5288 and 5288.1b consistent with Section 131 of Title 23 of the United States Code and the national standards promulgated thereunder by the Secretary of Transportation; provided, that the director shall not prescribe regulations imposing stricter requirements for the size, spacing or lighting of advertising displays than are prescribed by Section 5288.1b of this chapter and provided that the director shall not prescribe regulations to conform to changes in federal law or regulations made after the effective date of the amendment

of this section at the 1967 Regular Session of the Legislature without prior legislative approval.

Notwithstanding any other provisions of this chapter, no outdoor advertising shall be placed or maintained adjacent to any interstate highway or primary highway in violation of the national standards promulgated pursuant to subsections (c) and (f) of Section 131 of Title 23 of the United States Code, as such standards exist on the effective date of the amendment of this section at the 1967 Regular Session of the Legislature.

SEC. 25. Section 5288.5 of the Business and Professions Code is amended to read:

5288 5. The director shall seek, and may enter into, agreements with the Secretary of Transportation of the United States and shall take such steps as may be necessary from time to time to obtain, and may accept, any allotment of funds as provided by subdivision (j) of Section 131 of Title 23 of the United States Code, as amended from time to time, and such steps as may be necessary from time to time to obtain funds allotted pursuant to Section 131 for the purpose of paying the 75 percent federal share of the compensation required by subdivision (g) of Section 131 of Title 23 of the United States Code.

SEC. 26. Section 5288.5a is added to the Business and Professions Code, to read:

5288.5a. If compensation is required by federal law, as described in the last paragraph of Section 5288.3a, no advertising display shall be required to be removed pursuant to Section 5288.2a unless and until federal funds for the federal share of compensation therefor, to-wit, 75 percent, required by subdivision (g) of Section 131 of Title 23 of the United States Code have been appropriated by the federal government and made immediately available to the director and notification of such appropriation and immediate availability has been received by the director. This section shall not apply to the removal of any advertising display for which no federal share is payable.

SEC. 27. Section 5288.5b is added to the Business and Professions Code, to read:

5288.5b. No advertising display shall be required to be removed pursuant to Section 5288.2a unless and until the expenditure for payments of just compensation therefor in the manner prescribed in Sections 5288.3a, 5288 3b, and 5288.3c has been hereafter authorized by statute, which statute shall designate the source of funds for such payments.

SEC. 28. Section 5288.5c is added to the Business and Professions Code, to read:

5288 5c. (a) The director shall seek agreement with the Secretary of Transportation of the United States, or his successor, under provisions of Section 131 of Title 23 of the United States Code, to provide for effective control of outdoor advertising substantially as set forth herein, provided that

such agreement can vary and change the definition of "unzoned commercial or industrial area" as set forth in Section 5213 and the definition of "business area" as set forth in Section 5214, or other sections related thereto, and provided further that if such agreement does vary from such sections it shall not be effective until the Legislature by statute amends the sections to conform with the terms of the agreement. If agreement is reached on these terms, the director shall execute the agreement on behalf of the state.

(b) In the event an agreement cannot be achieved under subdivision (a), the director shall promptly institute proceedings of the kind provided for in subdivision (*l*) of Section 131 of Title 23 of the United States Code, in order to obtain a judicial determination as to whether this chapter and the regulations promulgated thereunder provide effective control of outdoor advertising as set forth therein. In such action the director shall request that the court declare rights, status, and other legal relations and declare whether the standards, criteria, and definitions contained in the agreement proposed by the director are consistent with customary use. If such agreement is held by the court in a final judgment to be invalid in whole or in part as inconsistent with customary use or as otherwise in conflict with Section 131 of Title 23 of the United States Code, the director shall promptly negotiate with the Secretary of Transportation, or his successor, a new agreement or agreements which shall conform to this chapter, as interpreted by the court in such action.

SEC. 28.5. Section 5288.7 is added to the Business and Professions Code, to read:

5288.7. It is declared to be the intent of the Legislature in enacting the provisions of this chapter regulating advertising displays adjacent to highways included in the national system of interstate and defense highways or the federal-aid primary highway system to establish minimum standards with respect thereto. The governing body of any city, county, or city and county may enact ordinances, including but not limited to land use or zoning ordinances, imposing restrictions on advertising displays adjacent to any street, road, or highway equal to or greater than those imposed by this chapter. The governing body of any city or city and county may enact ordinances requiring licenses or permits, or both, for the placing of advertising displays in view of any highway, including a highway included in the national system of interstate and defense highways or the federal-aid primary highway system, within its boundaries.

SEC. 29. Section 5311.5 is added to the Business and Professions Code, to read:

5311.5. All advertising displays which were lawfully erected and which are maintained after January 1, 1968, in violation of Sections 5288 or 5288.1b of this chapter or the regulations of the director prescribed hereunder may be removed by the director upon 60 days' prior notice, by certified

or registered mail, to the owner thereof. But no notice shall be required to be given to the owner of an advertising display whose name is not plainly displayed thereon. The 60 days shall be computed from the date of mailing.

SEC. 30. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 31. This act shall be known as the Collier-Z'berg Act of 1967.

CHAPTER 1409

An act to amend Section 10470 of, and to add Section 10470.1 to, the Business and Professions Code, relating to the Real Estate Education, Research and Recovery Fund.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 10470 of the Business and Professions Code is amended to read:

10470. If on June 30, 1965, or on June 30 of each four-year term thereafter, the balance remaining in the Real Estate Education, Research and Recovery Fund and allocated for purposes other than real estate education and research is less than two hundred thousand dollars ($200,000), every licensed broker, when renewing any such license, shall pay, in addition to the renewal fee, a fee of ten dollars ($10), and every licensed salesman, when renewing such license, shall pay, in addition to the license renewal fee, a fee of five dollars ($5). Said fees from both broker and salesman licensees shall be paid into the State Treasury and credited to the Real Estate Education, Research and Recovery Fund, and said deposits shall be allocated solely for the purposes provided in this article.

SEC. 2. Section 10470.1 is added to the Business and Professions Code, to read:

10470.1. If the balance remaining in the Real Estate Education, Research and Recovery Fund and allocated for purposes other than real estate education and research contains more than four hundred thousand dollars ($400,000) the Real Estate Commissioner may authorize the transfer of all or part of such surplus amount to the Real Estate Fund.

CHAPTER 1410

An act to amend Sections 69600 and 74661 of the Government Code, relating to judges.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 69600 of the Government Code is amended to read:

69600. In the County of Santa Clara there shall be 19 judges of the superior court.

SEC. 2. Section 74661 of the Government Code is amended to read:

74661. Each of the municipal court districts established in the County of Santa Clara shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

San Jose-Milpitas-Alviso Judicial District	10
Santa Clara-Cupertino Judicial District	2
Los Gatos-Campbell-Saratoga Judicial District	1
Sunnyvale Judicial District	2
Palo Alto-Mountain View Judicial District	3

SEC. 3. Section 2 of this act shall become operative on January 1, 1968.

CHAPTER 1411

An act to amend Section 25100 of, and to add Section 26018 to, the Corporations Code, relating to securities exempted from the Corporate Securities Law.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 25100 of the Corporations Code is amended to read:

25100. Except as otherwise expressly provided in this division, the Corporate Securities Law does not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States of America, or any territory or insular possession thereof, or by the District of Columbia, or by any state, territory, county, municipality, community redevelopment agency, public district or authority, or other public agency, public entity, or public corporation therein.

(b) Any security issued or guaranteed by any foreign government with which the United States of America is, at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any state, province, or political subdivision thereof having the power of taxation or assessment, which security is recognized, at the time it is offered or sold in this state, as a valid obligation by the foreign government or by the state, province, or political subdivision thereof issuing it.

(c) Any security issued by and representing an interest in or a direct obligation of a national bank, or issued by any federal land bank or joint land bank, or a national farm loan association, under the provisions of the Federal Farm Loan Act of July 17, 1916, or any amendment thereof or thereto, or by any company created and acting as an instrumentality of the government of the United States of America pursuant to the authority granted by the Congress of the United States of America, or by any company organized and existing under and by virtue of any act of Congress.

(d) Any security issued by and representing an interest in or a direct obligation of a state bank, trust company, or savings institution incorporated under the laws of this state.

(e) Any security the issuance of which has been authorized by the Public Utilities Commission of this state or by the Interstate Commerce Commission or by the Federal Power Commission.

(f) Any stock (as defined in the Savings and Loan Association Law), issued by a company organized for the purpose of conducting a savings and loan association within this state, the issuance of which has been authorized by the Savings and Loan Commissioner.

(g) Any shares, investment certificates, or borrowers' membership certificates (as defined in the Savings and Loan Association Law) issued by a savings and loan association holding a license then in force issued by the Savings and Loan Commissioner.

(h) Any security issued by an organization defined as an insurer in Section 826 of the Insurance Code for the purposes of Article 8 (commencing with Section 820) of Chapter 1 of Part 2 of Division 1 of the Insurance Code.

(i) Any security which has been certified as a legal investment for savings banks under the laws of this state.

(j) Any certificate of deposit for any security which has been approved by the California Districts Securities Commission for certification as a legal investment for savings banks and trust companies under the laws of this state.

(k) Any security issued under or pursuant to a plan of reorganization or plan of arrangement which, pursuant to any of the provisions of the act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States" approved June 1, 1898, and acts amendatory

thereof and supplementary thereto, has been confirmed by the decree or order of a court of competent jurisdiction.

(*l*) Any partnership interest in a general partnership, or in a limited partnership where certificates are executed, filed, and recorded as provided by Sections 15502 and 15525 of the Corporations Code of the State of California, except partnership interest when offered to the public.

(m) Any bona fide joint adventure interest, except such interests when offered to the public.

(n) Any certificate of interest or participation in an oil or gas title or lease (including subsurface gas storage and payments out of production) if each person who is a party to the transaction involving such certificate:

(1) Is and has been during the preceding two years engaged primarily in the business of drilling for, producing or refining oil or gas (or whose corporate predecessor, in the case of a corporation, has been so engaged), or

(2) Is or has been found by the commissioner upon written application to have been during the preceding two years, either directly or through a predecessor, substantially engaged in the business of drilling for, producing or refining oil or gas so as to not require the protection provided by the issuance of a permit.

In the event any security is issued which would have required a permit but for the provisions of this subsection (n) any such security or any interest therein may not thereafter be offered or sold until a permit shall be first obtained with respect to any such security (and subject to such terms, and conditions as may therein be imposed by the commissioner) unless each person who is a party to any such subsequent transaction meets the requirements of this subsection (n).

(o) (1) Trust agreements, contracts or other arrangements commonly known as "life income contracts," heretofore issued by a company organized under the laws of this state or of any other state of the United States exclusively for educational, benevolent, fraternal, charitable, or reformatory purposes and not for pecuniary profit, with donors, in consideration of a donation of property to such company, providing for the payment to the donor or persons designated by him, or both, of income or specified periodic payments, from the donated property or from other property of such company, or partly from the donated property and partly from such other property, for the life of the donor or for the lives of other persons designated by him, or both, whether or not in substance an annuity.

(2) Any such agreement, contract or other arrangement hereafter offered or issued by any such company which the commissioner, upon application of such company, by order in writing, shall have designated as entitled to exemption, which order shall be based upon a finding by the commissioner that such company is of such size or has such investment experience or capability that the protection of the public otherwise

provided by the issuance of a permit is not required, and that the exemption of such agreements, contracts or other arrangements offered or issued by such company is in the public interest.

SEC. 2. Section 26018 is added to the Corporations Code, to read:

26018. The fee for an application for an exemption pursuant to subdivision (o) of Section 25100 shall be fifty dollars ($50).

SEC. 3. The Legislature hereby declares that the amendments herein to Section 25100 of the Corporations Code, except paragraph (2) of subdivision (o) thereof, shall not be construed as making any substantive change in existing law.

CHAPTER 1412

An act to amend Sections 756, 757, 758, and 767 of, to add Sections 762 and 768 to, and to repeal Sections 762, 763, 764, 765, and 766 of, the Education Code, relating to county superintendents of schools.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 756 of the Education Code is amended to read:

756. For the purposes of prescribing the qualifications required of county superintendents of schools and fixing their salaries the counties are classified on the basis of the average daily attendance in the public schools of the state in the respective counties as follows:

Class one (1) includes all counties with an average daily attendance of seven hundred fifty thousand (750,000) and over.

Class two (2) includes all counties with an average daily attendance of one hundred forty thousand (140,000) to seven hundred forty-nine thousand nine hundred ninety-nine (749,999), inclusive.

Class three (3) includes all counties with an average daily attendance of sixty thousand (60,000) to one hundred thirty-nine thousand nine hundred ninety-nine (139,999), inclusive.

Class four (4) includes all counties with an average daily attendance of thirty thousand (30,000) to fifty-nine thousand nine hundred ninety-nine (59,999), inclusive.

Class five (5) includes all counties with an average daily attendance of fifteen thousand (15,000) to twenty-nine thousand nine hundred ninety-nine (29,999), inclusive.

Class six (6) includes all counties with an average daily attendance of seven thousand (7,000) to fourteen thousand nine hundred ninety-nine (14,999), inclusive.

Class seven (7) includes all counties with an average daily attendance of one thousand (1,000) to six thousand nine hundred ninety-nine (6,999), inclusive.

Class eight (8) includes all counties with an average daily attendance of under one thousand (1,000).

SEC. 2. Section 757 of the Education Code is amended to read:

757. Except as provided in this section no person shall hereafter be elected or appointed to office as county superintendent of schools of any county who does not possess a valid credential issued by the State Board of Education of the type designated in Sections 756 to 762, inclusive, for each class.

Where a county changes from one class to another because of an increase in the average daily attendance in the public schools of such county, the incumbent county superintendent of schools in that county shall not be prohibited from continuing in office and shall be eligible for reelection to the same office regardless of whether he possesses a valid credential otherwise required in a county of that class.

SEC. 3. Section 758 of the Education Code is amended to read:

758. The qualifications of the county superintendent of schools in each county shall be as set forth in Sections 756 to 762, inclusive, for that class into which the county falls. The class into which each county falls shall be determined on October 1st of each year based upon the average daily attendance in the public schools of such county for the preceding school year as reported to the State Department of Education. In no case will the salary of the county superintendent be lowered during his term of office.

The salaries set forth in Section 767 are payable to incumbent county superintendents of schools; provided, however, that the salary of an incumbent shall not be reduced during the term for which he was elected or appointed or for any consecutive new term to which he is elected or appointed.

SEC. 4. Section 762 of the Education Code is repealed.

SEC. 5. Section 762 is added to the Education Code, to read:

762. All county superintendents of schools within classes 4 to 8, inclusive, shall possess a valid certification document of one of the following kinds:

(a) An elementary and secondary administrative credential or life diplomas based thereon.

(b) A general administrative credential or a life diploma based thereon.

(c) A standard administration credential.

SEC. 6. Section 763 of the Education Code is repealed.

SEC. 7. Section 764 of the Education Code is repealed.

SEC. 8. Section 765 of the Education Code is repealed.

SEC 9. Section 766 of the Education Code is repealed.

SEC. 10. Section 767 of the Education Code is amended to read:

767. On the effective date of the amendment to this section adopted at the 1967 Regular Session of the Legislature, or as soon thereafter as practicable, the salaries of the county superintendents of schools shall be computed in the following manner.

For each of the eight classes of counties the amount which is the statewide average of teachers' salaries shall be multiplied by the amount which is the adjustment factor for the particular class of county, as prescribed by this section. The product so obtained shall be the salary of the county superintendent of schools for a county within that class.

The adjustment factor for each of the eight classes of counties is set forth below opposite the class of county:

(a)	Class one	3.561
(b)	Class two	3.092
(c)	Class three	2.717
(d)	Class four	2.483
(e)	Class five	2.249
(f)	Class six	1.780
(g)	Class seven	1.499
(h)	Class eight	1.124

For the purposes of this section the statewide average of teachers' salaries shall be deemed to be eight thousand five hundred and eighty-two dollars ($8,582).

The cost of salaries of any county superintendents of schools required to be paid by this section shall be divided between the state and the respective county as follows: For counties within class one (1) the state shall pay sixty-five percent (65%) and the county shall pay thirty-five percent (35%); in all counties within class two (2), the state shall pay sixty-five percent (65%) and the county shall pay thirty-five percent (35%); for counties within class three (3) the state shall pay sixty-seven percent (67%) and the county shall pay thirty-three percent (33%); for counties within class four (4) the state shall pay sixty-eight percent (68%) and the county shall pay thirty-two percent (32%); for counties within class five (5) the state shall pay seventy percent (70%) and the county shall pay thirty percent (30%); for counties within class six (6) the state shall pay seventy-six percent (76%) and the county shall pay twenty-four percent (24%); for counties within class seven (7) the state shall pay eighty-four percent (84%) and the county shall pay sixteen percent (16%); for counties within class eight (8) the state shall pay seventy-six percent (76%) and the county shall pay twenty-four percent (24%).

SEC. 11. Section 768 is added to the Education Code, to read:

768. In any county within class eight as classified by Section 756, for any county superintendent of schools who is not also employed, and compensated for such employment, by a school district within the county, the adjustment factor set forth in Section 767 shall be 1.311.

CHAPTER 1413

An act to amend Sections 17226 and 24372 of, and to add Sections 17226.5 and 24372.5 to, the Revenue and Taxation Code, relating to tax deductions for depreciation, to take effect immediately, tax levy.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 17226 of the Revenue and Taxation Code is amended to read:

17226. (a) Every person, at his election, shall be entitled to a deduction with respect to amortization of the adjusted basis (for determining gain) of any device, machinery, or equipment for water pollution control or for the collection at the source of atmospheric pollutants and contaminants based on a period of 60 months. Such amortization deductions shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the device, machinery, or equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deductions provided by this section with respect to any month shall be in lieu of the deduction with respect to such device, machinery, or equipment provided in Section 17208 relating to exhaustion, wear and tear, and obsolescence. The 60-month period shall begin, at the election of the taxpayer, with the month following the month in which the device, machinery, or equipment was completed or acquired, or with the succeeding taxable year.

(b) The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the device, machinery, or equipment was completed or acquired, or with the taxable year succeeding the taxable year in which such device, machinery, or equipment was completed or acquired, shall be made in an appropriate statement in the taxpayer's return for the taxable year in which the device, machinery, or facility was completed or acquired, or in which the certification required by subdivision (d) was made, whichever is later.

(c) A taxpayer which has elected under subdivision (b) to take the amortization deduction provided in subdivision (a) may, at any time after making such election, discontinue the amortization deductions with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Franchise Tax Board before the beginning of such month. The deduction provided under Section 17208 shall be allowed beginning with the first month as to which the amortization deduction is not applicable, and the taxpayer shall not be entitled to any further amortization deductions with respect to such device, machinery, or equipment.

(d) In determining for the purposes of this section the adjusted basis of such device, machinery, or equipment, there shall be included only so much of the amount of such adjusted basis (computed without regard to this section) as is properly attributable to the construction, reconstruction, remodeling, installation, or acquisition of such device, machinery, or equipment after December 31, 1954, as certified by the State Department of Public Health.

SEC. 2. Section 17226.5 is added to the Revenue and Taxation Code, to read:

17226.5. (a) Every person, at his election, shall be entitled to a deduction with respect to amortization of the adjusted basis (for determining gain) of any device, machinery, or equipment for water pollution control or for the collection at the source of atmospheric pollutants and contaminants for the taxable year in which such device, machinery or equipment was completed or acquired or in which the certification required by subdivision (c) was made, whichever is later, in the full amount of the cost of the device, machinery or equipment. The amortization deductions provided by this section with respect to any taxable year shall be in lieu of the deduction with respect to such device, machinery, or equipment provided in Section 17208 relating to exhaustion, wear and tear, and obsolescence and in lieu of the election provided for in Section 17226.

(b) The election of the taxpayer to take the amortization deduction in the taxable year in which the device, machinery, or equipment was completed or acquired shall be made in an appropriate statement in the taxpayer's return for the taxable year in which the device, machinery, or facility was completed or acquired, or in which the certification required by subdivision (c) was made, whichever is later.

(c) In determining for the purposes of this section the adjusted basis of such device, machinery, or equipment, there shall be included only so much of the amount of such adjusted basis (computed without regard to this section) as is properly attributable to the construction, reconstruction, remodeling, installation, or acquisition of such device, machinery, or equipment after December 31, 1954, as certified by the State Department of Public Health.

SEC. 3. Section 24372 of the Revenue and Taxation Code is amended to read:

24372. (a) Every taxpayer, at its election, shall be entitled to a deduction with respect to amortization of the adjusted basis (for determining gain) of any device, machinery, or equipment for water pollution control or for the collection at the source of atmospheric pollutants and contaminants based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the device, machinery, or equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deductions provided by this section with respect to any month shall be in lieu of the deduction with respect to such device, machinery, or equipment provided in Section 24349 relating to exhaustion, wear and tear, and obsolescence. The 60-month period shall begin, at the election of the taxpayer, with the month following the month in which the device, machinery, or equipment was completed or acquired, or with the succeeding income year.

(b) The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the device, machinery, or equipment was completed or acquired, or with the taxable year succeeding the taxable year in which such device, machinery, or equipment was completed or acquired, shall be made in an appropriate statement in the taxpayer's return for the income year in which the device, machinery, or facility was completed or acquired, or in which the certification required by subdivision (d) was made, whichever is later.

(c) A taxpayer which has elected under subdivision (b) to take the amortization deduction provided in subdivision (a) may, at any time after making such election, discontinue the amortization deductions with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Franchise Tax Board before the beginning of such month. The deduction provided under Section 24349 shall be allowed beginning with the first month as to which the amortization deduction is not applicable, and the taxpayer shall not be entitled to any further amortization deductions with respect to such device, machinery, or equipment.

(d) In determining for the purposes of this section the adjusted basis of such device, machinery, or equipment, there shall be included only so much of the amount of such adjusted basis (computed without regard to this section) as is properly attributable to the construction, reconstruction, remodeling, installation, or acquisition of such device, machinery, or equip-

ment after December 31, 1954, as certified by the State Department of Public Health.

SEC. 4. Section 24372.5 is added to the Revenue and Taxation Code, to read:

24372.5. (a) Every taxpayer, at its election, shall be entitled to a deduction with respect to amortization of the adjusted basis (for determining gain) of any device, machinery, or equipment for water pollution control or for the collection at the source of atmospheric pollutants and contaminants for the income year in which such device, machinery, or equipment was completed or acquired, or in which the certification required by subdivision (c) was made, whichever is later, in the full amount of the cost of the device, machinery or equipment. The amortization deductions provided by this section with respect to any income year shall be in lieu of the deduction with respect to such device, machinery, or equipment provided in Section 24349 relating to exhaustion, wear and tear, and obsolescence and in lieu of the election provided for in Section 24372.

(b) The election of the taxpayer to take the amortization deduction in the income year in which the device, machinery, or equipment was completed or acquired shall be made in an appropriate statement in the taxpayers return for the income year in which the device, machinery, or facility was completed or acquired, or in which the certification required by subdivision (c) was made, whichever is later.

(c) In determining for the purposes of this section the adjusted basis of such device, machinery, or equipment, there shall be included only so much of the amount of such adjusted basis (computed without regard to this section) as is properly attributable to the construction, reconstruction, remodeling, installation, or acquisition of such device, machinery, or equipment after December 31, 1954, as certified by the State Department of Public Health.

SEC. 5. (a) If property described in Section 2 of this act has been completed or acquired in taxable years prior to the effective date of this act, the taxpayer may deduct an amount equal to 100 percent of the cost of the property completed or acquired in the taxable year commencing on January 1, 1967, or commencing with fiscal years beginning in calendar year 1967, less any amounts deducted in previous taxable years as a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence) with respect to such property.

(b) If property described in Section 4 of this act has been completed or acquired in income years prior to the effective date of this act, the taxpayer may deduct an amount equal to 100 percent of the cost of the property completed or acquired in the income year commencing on January 1, 1967, or commencing with fiscal years beginning in calendar year 1967, less any amounts deducted in previous income years as a rea-

sonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence) with respect to such property.

(c) If property described in Section 1 of this act is used for water pollution control and has been completed or acquired in taxable years prior to the effective date of this act, the taxpayer may deduct an amount equal to 100 percent of the cost of the property completed or acquired over a period of 60 months in the manner specified in Section 17226 of the Revenue and Taxation Code beginning in the taxable year commencing on January 1, 1967, or commencing with fiscal years beginning in calendar year 1967, less any amounts deducted in previous taxable years as a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence) with respect to such property.

(d) If property described in Section 3 of this act is used for water pollution control and has been completed or acquired in income years prior to the effective date of this act, the taxpayer may deduct an amount equal to 100 percent of the cost of the property completed or acquired over a period of 60 months in the manner specified in Section 24372 of the Revenue and Taxation Code beginning in the income year commencing on January 1, 1967, or commencing with fiscal years beginning in calendar year 1967, less any amounts deducted in previous income years as a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence) with respect to such property.

SEC. 6. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1414

An act to add Section 95.5 to the Streets and Highways Code, relating to snow removal.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 95.5 is added to the Streets and Highways Code, to read:

95.5. The department shall remove snow from that portion of former U.S. Route 40, which has been superseded by the relocation and construction of Interstate Route 80, commencing at its intersection with Interstate Route 80 near Donner Memorial Park westerly approximately four miles to the vicinity of Donner Lake.

SEC. 2. Section 95.5 of the Streets and Highways Code, as added by Section 1 of this act shall remain in effect until June 30, 1970, and shall have no force or effect after that date.

CHAPTER 1415

An act to add Article 7 (commencing with Section 12415) to Chapter 1, Part 6, Division 2 of the Insurance Code, relating to title insurance.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Article 7 (commencing with Section 12415) is added to Chapter 1, Part 6, Division 2 of the Insurance Code, to read:

Article 7. Annual Renewal Fees

12415. It is the intent of the Legislature that certificate title insurers and licensed underwritten title companies, as defined in Section 12402, shall pay into the Insurance Fund as an annual renewal fee, in addition to that provided as to title insurers by Section 701, and as to underwritten title companies by Section 12396, equitable sums which in the aggregate are the estimated costs to the commissioner for the ensuing fiscal year of administering and enforcing Article 6 (commencing with Section 12401) of Chapter 1, Part 6, Division 2 of this code and other provisions of this code as may be subsequently incorporated by reference in this article by legislative enactment. Such fee shall be in lieu of all fees provided for in Article 6 (commencing with Section 12401) of Chapter 1, Part 6, Division 2.

12416. To carry out the intent expressed in Section 12415 the commissioner shall hold a hearing and make rules and regulations on or before May 1st of each year, commencing in 1968, to establish the standards by which such annual renewal fee of each title insurer and underwritten title company will be set to cover the annual fiscal period commencing on the following July 1st. He shall estimate the cost of such administration and enforcement as to title insurers separately from the cost of such administration and enforcement as to underwritten title companies. Such annual renewal fee as to each title insurer shall be determined by applying to such estimated cost for all title insurers the percentage that each such title insurer's gross income upon business done in this state in the preceding calendar year is of the total gross income derived from business done in this state by all title insurers in such year after first deducting from such gross income (1) interest and dividends; (2) rents from real property; (3) profits from sale or other disposition of investments; (4) income from investments; and (5) income, gross or otherwise, of, and from the assets of, any trust department doing a trust business under the banking laws of this state. Such annual renewal fee as to each underwritten title company shall be determined by applying to such estimated cost for all underwritten title com-

panies the percentage that each such underwritten title company's gross income derived from business done in this state in the preceding calendar year is of the total gross income derived from busines done in this state by all underwritten title companies in such year after first deducting from such gross income (1) interest and dividends; (2) rents from real property; (3) profits from sale or other disposition of investments; (4) income from investments; and (5) fees paid to title insurers on title policies.

12417. The annual renewal fee provided by this article is not a tax but a charge for services to be rendered.

12418. Should the fees collected in any one year prove to be greater in the aggregate than the costs of services rendered in such year the commissioner shall give due consideration to that factor in establishing the amount of the fee for the ensuing year.

12419. Upon request by any title insurer or underwritten title company the commissioner shall appoint a committee of five persons to audit and examine the records of the commissioner relating to the cost of such administration and enforcement as to title insurers and underwritten title companies and to make recommendations to the commissioner at his hearings to establish fees. Such committee shall consist of one representative of underwritten title companies underwritten by domestic title insurers, one representative of underwritten title companies underwritten by foreign title insurers, one representative of foreign title insurers, and two representatives of domestic title insurers.

SEC. 2. The revenues derived from the fees provided for in Section 1 of this act shall be available for expenditure, and shall not be encumbered, unless and until appropriated by the Legislature.

CHAPTER 1416

An act to add Section 35251 to the Vehicle Code, relating to vehicle height.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 35251 is added to the Vehicle Code, to read:

35251. Notwithstanding the provisions of Section 35250 of this code, the load upon any vehicle may exceed 13 feet 6 inches in height but not exceed 14 feet in height, measured from the surface on which the vehicle stands. This section shall remain in effect until January 1, 1970, and shall have no force or effect after that date.

CHAPTER 1417

An act to amend Sections 12911, 13130, 13206, 13207, 13217, 13218, 13255, 13409, 13586, and 13742 of, and to add Section 12912.5 to, the Education Code, to add Section 11850.1 to the Health and Safety Code, and to amend Section 291 of the Penal Code, relating to public school employees.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 12911 of the Education Code is amended to read:

12911. A plea or verdict of guilty or a finding of guilt by a court in a trial without a jury is deemed to be a conviction within the meaning of Sections 13130, 13207, 13218, 13255, and 13586 of this code, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the withdrawal of the plea of guilty and entering a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusations or information. The record of such conviction of a sex offense as defined in Section 12912 or of a narcotics offense defined in Section 12912.5 shall be sufficient proof of conviction of a crime involving moral turpitude for the purposes of Sections 13313, 13327 and 13338, and Sections 13403 to 13441, inclusive, of this code, relating to the dismissal of permanent employees.

SEC. 2. Section 12912.5 is added to the Education Code, to read:

12912.5. "Narcotics offense" as used in Sections 13130, 13207, 13218, 13255, and 13586 means any one or more of the following offenses:

(a) Any offense defined in Sections 11500 to 11503, both inclusive, 11557, 11715, and 11721 of the Health and Safety Code.

(b) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of the above-mentioned offenses.

(c) Any attempt to commit any of the above-mentioned offenses.

(d) Any of the above offenses committed prior to the effective date of a Health and Safety Code section that was a crime on the date that it was committed and that would have constituted an offense under the section if it had been committed after the effective date of such section.

SEC. 3. Section 13130 of the Education Code is amended to read:

13130. The State Board of Education shall deny any application for the issuance of a credential or a life diploma or

for the renewal of a credential made by any applicant who comes within any of the following classes:

(a) Has been determined to be a sexual psychopath under the provisions of Article 1 (commencing with Section 5500), Chapter 1, Part 1.5, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state.

(b) Has been convicted of any sex offense as defined in Section 12912.

(c) Has been convicted of a narcotics offense as defined in Section 12912.5.

SEC. 4. Section 13206 of the Education Code is amended to read:

13206. Upon the becoming final of the conviction of the holder of any credential, including a life diploma, or document, issued by the State Board of Education of a violation, or attempted violation, of any one or more of Penal Code Sections 187 to 191, 192 insofar as said section relates to voluntary manslaughter, 193, 194–232, both inclusive, 244, 245, 261 to 267, both inclusive, 273a, 273f, 273g, 278, 285 to 288a, both inclusive, 424, 425, 484 to 488, both inclusive, insofar as said sections relate to felony convictions, 503 and 504, or of Welfare and Institutions Code Section 702, the State Board of Education shall forthwith revoke the credential, life diploma, or document.

SEC. 5. Section 13207 of the Education Code is amended to read:

13207. Whenever the holder of any credential, life diploma, or document issued by the State Board of Education has been convicted of any sex offense as defined in Section 12912 or narcotics offense as defined in Section 12912.5, the State Board of Education shall forthwith suspend the credential, life diploma, or document. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him are dismissed, the board shall forthwith terminate the suspension of the credential, life diploma, or document. When the conviction becomes final or when imposition of sentence is suspended the board shall forthwith revoke the credential, life diploma, or document.

SEC. 6. Section 13217 of the Education Code is amended to read:

13217. Upon the becoming final of the conviction of the holder of a certificate issued by a county board of education of a violation or attempted violation of any one or more of Penal Code Sections 187 to 191, 192 insofar as said section relates to voluntary manslaughter, 193, 194-232, both inclusive, 244, 245, 261 to 267, inclusive, 273a, 273f, 273g, 278, 285 to 288a, both inclusive, 424, 425, 484 to 488, both inclusive, insofar as said sections relate to grand theft, 503 and 504, or of Welfare and Institutions Code Section 702, the county board of education shall forthwith revoke the certificate.

SEC. 7. Section 13218 of the Education Code is amended to read:

13218. Whenever the holder of a certificate issued by a county board of education has been convicted of any sex offense as defined in Section 12912 or narcotics offense as defined in Section 12912.5, the county board of education shall forthwith suspend the certificate. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him are dismissed, the board shall forthwith terminate the suspension of the certificate. When the conviction becomes final or when imposition of sentence is suspended the board shall forthwith revoke the certificate.

SEC. 8. Section 13255 of the Education Code is amended to read:

13255. Governing boards of school districts shall not employ or retain in employment persons in public school service who have been convicted of any sex offense as defined in Section 12912 or narcotics offense as defined in Section 12912.5. If, however, any such conviction is reversed and the person is acquitted of the offense in a new trial or the charges against him are dismissed, this section does not prohibit his employment thereafter.

SEC. 9. Section 13409 of the Education Code is amended to read:

13409. Whenever any certificated employee of a school district is charged with the commission of any sex offense as defined in Section 12912 by complaint, information or indictment filed in a court of competent jurisdiction, the governing board of the school district shall immediately place the employee upon compulsory leave of absence for a period of time extending for not more than 10 days after the date of the entry of the judgment in the proceedings. The governing board of the school district may extend the compulsory leave of absence of the employee beyond such period by giving notice to the employee within 10 days after the entry of judgment in the proceedings that the employee will be dismissed at the expiration of 30 days from the date of service of the notice, unless the employee demands a hearing as provided in Sections 13313, 13327 and 13338, and Sections 13403 to 13441, inclusive.

Any employee placed upon compulsory leave of absence pursuant to this section shall continue to be paid his regular salary during the period of his compulsory leave of absence if and during such time as he furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him during the period of the compulsory leave of absence in case the employee is convicted of such charges, or fails or refuses to return to service following an acquittal of the offense or dismissal of the charges. If the employee is acquitted of the offense, or the charges against him are dismissed, the school district shall

reimburse the employee for the cost of the bond upon his return to service in the school district.

If the employee does not elect to furnish bond, or other security acceptable to the governing board of the district, and if the employee is acquitted of the offense, or the charges against him are dismissed, the school district shall pay to the employee his full compensation for the period of the compulsory leave of absence upon his return to service in the school district.

Whenever any certificated employee of a school district is charged with the commission of any narcotics offense as defined in Section 12912.5, or a violation of subdivision 1 of Section 261 of the Penal Code, Sections 11530 to 11532, both inclusive, 11540, or 11910 to 11915, both inclusive, insofar as such sections relate to subdivision (c) of Section 11901, of the Health and Safety Code, by complaint, information, or indictment filed in a court of competent jurisdiction, the governing board of the school district may immediately place the employee upon compulsory leave in accordance with the procedure in this section.

SEC. 10. Section 13586 of the Education Code is amended to read:

13586. No person shall be employed or retained in employment by a school district who has been convicted of any sex offense as defined in Section 12912 or narcotics offense as defined in Section 12912.5. If, however, any such conviction is reversed and the person is acquitted of the offense in a new trial or the charges against him are dismissed, this section does not prohibit his employment thereafter.

SEC. 11. Section 13742 of the Education Code is amended to read:

13742. For reasonable causes an employee may be suspended without pay for not more than 30 days except as provided in this section or may be demoted or dismissed. In such case the personnel director shall within 10 days of the suspension, demotion, or dismissal file written charges with the commission and give to the employee or deposit in the United States registered mail with postage prepaid, addressed to the employee at his last known place of address, a copy of the charges.

Whenever an employee of a school district is charged with the commission of any sex offense as defined in Section 12912 or any narcotics offense as defined in Section 12912.5, or a violation of subdivision 1 of Section 261 of the Penal Code, Sections 11530 to 11532, both inclusive, 11540, or 11910 to 11915, both inclusive insofar as said sections relate to subdivision (c) of Section 11901, of the Health and Safety Code by complaint, information or indictment filed in a court of competent jurisdiction, the governing board of the school district may immediately suspend the employee for a period of time extending for not more than 10 days after the date of the entry of the court judgment; provided, that the suspension

may be extended beyond such 10-day period in case the governing board gives notice within such 10-day period that it will dismiss the employee 30 days after the service of the notice, unless he demands a hearing. An employee so suspended shall continue to be paid his regular salary during the period of the suspension if and during such time as he furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him during the period of the suspension in case the employee is convicted of such charges, or he does not return to service after such period of suspension. If the judgment determines that the employee is not guilty of such charges, or if the complaint, information or indictment is dismissed, the school district shall reimburse the employee for the cost of the bond; or, if the employee has not elected to furnish such bond, the school district shall pay to the employee his full compensation during the period of the suspension; provided, he returns to service after such period of suspension.

SEC. 12. Section 11850.1 is added to the Health and Safety Code, to read:

11850.1. Every sheriff or chief of police, upon the arrest for any of the narcotic offenses enumerated in Section 11850, or Sections 11910 to 11915, both inclusive insofar as said sections relate to subdivision (c) of Section 11901, of the Health and Safety Code of any school employee, shall do either of the following:

(1) If such school employee is a teacher in any of the public schools of this state, he shall immediately notify by telephone the superintendent of schools of the school district employing such teacher and shall immediately give written notice of the arrest to the State Department of Education and to the superintendent of schools in the county wherein such person is employed. Upon receipt of such notice, the county superintendent of schools shall immediately notify the governing board of the school district employing such person.

(2) If such school employee is a nonteacher in any of the public schools of this state, he shall immediately notify by telephone the superintendent of schools of the school district employing such nonteacher and shall immediately give written notice of the arrest to the governing board of the school district employing such person.

SEC. 13. Section 291 of the Penal Code is amended to read:

291. Every sheriff or chief of police, upon the arrest for any of the offenses enumerated in Section 290 or in subdivision 1 of Section 261 of any school employee, shall do either of the following:

(1) If such school employee is a teacher in any of the public schools of this state, he shall immediately notify by telephone the superintendent of schools of the school district employing such teacher and shall immediately give written notice of the

arrest to the State Department of Education and to the superintendent of schools in the county wherein such person is employed. Upon receipt of such notice, the county superintendent of schools shall immediately notify the governing board of the school district employing such person.

(2) If such school employee is a nonteacher in any of the public schools of this state, he shall immediately notify by telephone the superintendent of schools of the school district employing such nonteacher and shall immediately give written notice of the arrest to the governing board of the school district employing such person.

CHAPTER 1418

An act to amend Section 280, as added to the Revenue and Taxation Code by Chapter 148 of the Statutes of the 1967 Regular Session of the Legislature, to amend Section 1604.1 of the Revenue and Taxation Code, as amended by Chapter 148 of the Statutes of the 1967 Regular Session of the Legislature, and to repeal Sections 463, 503, 504 and 531.1 of, to amend Sections 501, 531, 532, 533, 534 and 892 of, and to add Sections 282.5, 463, 502, 503, 504, 506, 507 and 531.1 to, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 280, as added to the Revenue and Taxation Code by Chapter 148 of the Statutes of the 1967 Regular Session of the Legislature, is amended to read:

280. Commencing on or after July 1, an audit of the exemptions granted pursuant to Section 1¼, Article XIII of the Constitution shall be conducted by the auditor. The audit shall cover such exemptions claimed for the current tax year as well as any prior tax years in respect to which escaped assessments would be timely pursuant to Section 532.

SEC. 2. Section 282.5 is added to the Revenue and Taxation Code, to read:

282.5. If a taxpayer refuses to comply with a written demand made pursuant to Section 282, the exemption shall be disallowed and, if an exemption has previously been allowed, an assessment pursuant to Section 531.5 shall be made.

SEC. 3. Section 463 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 463 is added to the Revenue and Taxation Code, to read:

463. If, after written demand by the assessor, any person refuses to file an annual property statement or make and subscribe the affidavit respecting his name and place of resi-

dence, a penalty of 10 percent of the assessed value of the unreported taxable tangible property of such person placed on the current roll shall be added to the assessment made on the current roll.

SEC. 5. Section 501 of the Revenue and Taxation Code is amended to read:

501. If after written demand by the assessor, any person fails to comply with any provision of law for furnishing information required by Sections 441 and 470, the assessor, based upon information in his possession, shall estimate the value of the property and, based upon this estimate, promptly assess the property.

SEC. 6. Section 502 is added to the Revenue and Taxation Code, to read:

502. If any person willfully conceals, fails to disclose, removes, transfers or misrepresents tangible personal property to evade taxation which results in an assessment lower than that which would otherwise be required by law, the assessor on discovery shall assess the property in the lawful amount and impose the penalty provided for in Section 504.

SEC. 7. Section 503 of the Revenue and Taxation Code is repealed.

SEC. 8. Section 503 is added to the Revenue and Taxation Code, to read:

503. If any taxpayer or his agent through a fraudulent act or omission causes, or if any fraudulent collusion between the taxpayer or his agent and the assessor or any of his deputies causes, any taxable tangible property to escape assessment in whole or in part, or to be underassessed, the assessor shall assess the property in the lawful amount and impose the penalty provided for in Section 504.

SEC. 9. Section 504 of the Revenue and Taxation Code is repealed.

SEC. 10. Section 504 is added to the Revenue and Taxation Code, to read:

504. There shall be added to any assessment made pursuant to Sections 502 or 503, except such assessments as are placed in the current roll prior to the time it is originally completed and published, a penalty of 25 percent of the additional assessed value so assessed

SEC. 11. Section 506 is added to the Revenue and Taxation Code, to read:

506. The tax rate applicable to any assessment made pursuant to this article shall be the tax rate to which the property would have been subject if it appeared upon the roll in the year when it should have been lawfully assessed. To the tax there shall be added interest at the rate of one-half of 1 percent per month from the date or dates the taxes would have become delinquent if they had been timely assessed to the date the additional assessment is added to the assessment roll.

SEC. 12. Section 507 is added to the Revenue and Taxation Code, to read:

507. If the assessor requires an assessee to describe personal property in such detail as shows the cost thereof but the assessee omits to report the cost of the property accurately, notwithstanding that this information is available to the assessee, to the extent that this omission on the part of the assessee causes the assessor not to assess the property or to assess it at a lower valuation than he would enter upon the roll were the cost reported to him accurately, that portion of the property as to which the cost is unreported, in whole or in part, shall be assessed as required by law. If the omission is willful or fraudulent, the penalty and interest provided in Sections 504 and 506 shall be added to the additional assessment; otherwise only the interest provided in Section 506 shall be so added.

SEC. 13. Section 531 of the Revenue and Taxation Code is amended to read:

531. If any property belonging on the local roll has escaped assessment, the assessor shall assess the property on discovery at its value on the lien date for the year for which it escaped assessment. It shall be subject to the tax rate in effect in the year of its escape. When the property is real property it shall be assessed as property escaping assessment only if:

(a) The property is owned or controlled by the same person who owned or controlled it for the year for which it escaped assessment, or

(b) The only transfers made of the property since the lien date for the year for which the property escaped assessment have been transfers by gift, descent, bequest, or devise.

SEC. 14. Section 531.1 of the Revenue and Taxation Code is repealed.

SEC. 15. Section 531.1 is added to the Revenue and Taxation Code, to read:

531.1. Upon receipt of notice pursuant to Section 284, or upon indication from any audit that a veteran's exemption has been incorrectly allowed, the assessor shall make a redetermination of eligibility for the veteran's exemption. If a veteran's exemption has been incorrectly allowed, an escape assessment in the amount of the exemption with interest as provided in Section 506 shall be made. If the exemption was incorrectly allowed because of erroneous or incorrect information submitted by the claimant with knowledge that such information was erroneous or incomplete, the penalty provided in Section 504 shall be added to the assessment.

SEC. 16. Section 532 of the Revenue and Taxation Code is amended to read:

532. Any assessment to which the penalty provided for in Section 504 must be added shall be made within six years after the lien date in which the property escaped taxation or was underassessed. Any other assessment made pursuant to Article 3 or Article 4 of this Chapter 3 shall be made within four years after the lien date in which the property escaped taxation or was underassessed.

Any assessment made pursuant to Article 3 (commencing with Section 501) of this chapter or made pursuant to this article shall not create or impose a lien or charge on such real property for such assessment or any penalty or interest if (1) such real property has been transferred or conveyed to a bona fide purchaser for value prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon, or (2) such real property is subject to a lien of a bona fide encumbrance for value created and attaching prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon. In such cases the assessor or tax collector may record with the county recorder of any county a certificate which shall set forth the name of the person who would have been the assessee in the year in which such real property escaped assessment and the amount or amounts of any such assessments and penalties. From the date of the recording of such certificate a lien shall be created and attach against any real property owned by such person in the county or counties in which any such certificate may have been recorded which lien shall have the force, effect and priority of a judgment lien.

The tax collector, with the approval of the board of supervisors, may at any time release all or any portion of real property subject to any lien created or attaching by the recording of such a certificate from such lien or subordinate such lien to other liens and encumbrances if he determines that the assessment or taxes are sufficiently secured by a lien on other property belonging to the person named in such a certificate or that the release or subordination will not endanger or jeopardize the collection of such assessment or taxes.

A written certification by the tax collector to the effect that real property subject to any lien imposed by the recording of the certificate as hereinbefore provided has been released from such lien or that such lien has been subordinated to other liens shall be conclusive evidence as to any bona fide purchaser, encumbrancer or lessee that such lien has been released or has been subordinated as set forth in such written certification. Such written certification may be recorded with the county recorder of any county.

SEC. 17. Section 533 of the Revenue and Taxation Code is amended to read:

533. Assessments made pursuant to Article 3 (commencing with Section 501) of this chapter or pursuant to this article shall be entered on the roll prepared or being prepared in the assessment year when it is so discovered and, if this is not the roll for the assessment year in which it escaped assessment, the entry shall be followed with "Escaped assessment for year 19___ pursuant to Sections _____ of the Revenue and Taxation Code."

SEC. 18. Section 534 of the Revenue and Taxation Code is amended to read:

534. Assessments made pursuant to Article 3 (commencing with Section 501) of this chapter or pursuant to this article shall be treated like, and taxed at the same rate applicable to, property regularly assessed on the roll on which it is entered, unless the assessment relates to a prior year and then the tax rate of the prior year shall be applied.

No such assessment shall be effective for any purpose, including its review, equalization and adjustment by the Board of Equalization, until the assessee has been notified thereof personally or by United States mail at his address as contained in the official records of the county assessor. Receipt of the assessee of a tax bill based on such assessment shall suffice as such notice.

SEC. 19. Section 892 of the Revenue and Taxation Code is amended to read:

892. A penal assessment shall be 25 percent of the assessed value of the property penally assessed.

Penal assessments are in addition to the regular assessments of property.

SEC. 20. Section 1604.1 of the Revenue and Taxation Code, as amended by Chapter 148 of the Statutes of the 1967 Regular Session, is amended to read:

1604.1. An assessment made outside of the regular assessment period is not effective for any purpose, including its review, equalization and adjustment by the Board of Equalization, until the assessee has been notified thereof personally or by United States mail at his address as contained in the official records of the county assessor. Receipt by the assessee of a tax bill based on said assessment shall suffice as such notice.

Upon application for reduction pursuant to Section 1607 of this code, such assessment shall be subject to review, equalization and adjustment by the county board of equalization.

CHAPTER 1419

An act to add Section 2113 to the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 2113 is added to the Unemployment Insurance Code, to read:

2113. Nothing in this division shall prevent the department from accepting restitution or an acceptable arrangement for restitution, made voluntarily before the department files a criminal complaint, for overpayment of benefits from any person, who has not previously claimed any right under this sec-

tion, who has not been convicted of an offense under Section 2101 within three years preceding the service under this section of a written notice of intent to file a criminal complaint and who has willfully made a false statement or representation or knowingly failed to disclose a material fact to obtain or increase any benefit under any provision of this division. The department shall by mail or personal service give such person written notice of intent to file a criminal complaint not less than 10 days prior to the filing of the criminal complaint. The department may accept restitution or an arrangement for restitution and any such acceptance shall be in lieu of any criminal action against such person, except that the department shall not be precluded from filing a criminal action against any person who defaults under an arrangement for restitution which has been accepted by the department. For purposes of this section, no period of time during which an arrangement for restitution is in effect shall be a part of any limitation of the time for commencing a criminal action.

CHAPTER 1420

An act to amend Section 72602 of the Government Code, relating to municipal courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	3
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	3
Inglewood Municipal Court District	2
South Bay Municipal Court District	3
Compton Municipal Court District	3
Downey Municipal Court District	2
Los Angeles Municipal Court District	49
Santa Anita Municipal Court District	1
Alhambra Municipal Court District	3
Los Cerritos Municipal Court District	2
Long Beach Municipal Court District	5
Beverly Hills Municipal Court District	3
Santa Monica Municipal Court District	2
Burbank Municipal Court District	2

Glendale Municipal Court District	2
Pasadena Municipal Court District	4
El Monte Municipal Court District	3
Pomona Municipal Court District	2
South Gate Municipal Court District	1
Citrus Judicial District	4
Antelope Municipal Court District	1
Culver Municipal Court District	1

CHAPTER 1421

An act to amend Sections 14150 and 14157 of, and to add Sections 14103.7, 14120 and 14158 to, the Welfare and Institutions Code, relating to medical assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 14103.7 is added to the Welfare and Institutions Code, to read:

14103.7. The Administrator of the Health and Welfare Agency, when reducing services under this chapter and Chapter 8 of this part in order to maintain the program within the fiscal limits fixed by the Legislature, shall, to the extent feasible, make proportionate reductions in all services, rather than eliminating any service or services entirely.

SEC. 1.3. Section 14120 is added to the Welfare and Institutions Code, to read:

14120. (a) The Administrator of the Health and Welfare Agency, with the approval of the Director of Finance, shall set up a monthly schedule of anticipated total payments and payments for physician services under this chapter and Chapter 8 of this part, for the fiscal year.

(b) The Administrator of the Health and Welfare Agency shall report actual total payments and payments for physician services under this chapter and Chapter 8 of this part monthly to the Director of Finance and to the Joint Legislative Budget Committee.

(c) At any time the total amounts paid for physician services since the beginning of the fiscal year exceed by 10 percent the amounts scheduled to have been paid by that time, the administrator shall so inform the Director of Finance and at that time the administrator shall modify the method of payment of usual and customary fees to physicians to assure that the total amount paid for physicians services in the fiscal year shall not exceed the total amount scheduled.

(d) At any time the total amounts paid since the beginning of the fiscal year exceed by 10 percent the amounts scheduled

to have been paid by that time, the administrator shall so inform the Director of Finance and within 30 days the administrator shall institute program reductions which shall in his judgment assure that total payments in the fiscal year shall not exceed the availability of revenues to the Health Care Deposit Fund to pay for all such payments.

SEC. 1.5. Section 14150 of the Welfare and Institutions Code is amended to read:

14150. The total expenditures authorized for cost of care and county administration in any fiscal year by this chapter and Chapter 8 of this part shall not exceed the sum, added to the maximum available federal funds, of eighteen dollars and twenty-five cents ($18.25) multiplied by the sum of the 12 monthly numbers of (1) recipients under Chapter 2 (commencing with Section 11200) of this part, (2) certified medically indigent persons, and (3) recipients under Chapters 3 (commencing with Section 12000), 4 (commencing with Section 12500), 5 (commencing with Section 13000), and 6 (commencing with Section 13500) of this part, as evidenced by billings received for services and state and county administration by the close of the fiscal year, unless the Legislature, in the Budget Act, appropriates additional funds to be expended under this chapter and Chapter 8 of this part, and authorizes the expenditure of such funds notwithstanding the limitation fixed by this section. As used in this paragraph "total expenditures authorized for cost of care and county administration" includes the cost for health care for categorical aid recipients and certified medically indigent persons as enumerated in this paragraph, but does not include costs of care for other persons in a county hospital or a contract hospital nor that portion of the county cost of administration which is attributable to the health care provided to other persons, in a county hospital or contract hospital.

The sums authorized for expenditure pursuant to this section shall not be construed as limiting the amount of service or the period over which such service may be granted with respect to any person found to be eligible for care under this chapter or Chapter 8 of this part.

In addition to the sums specified in Section 14151, the county share towards the cost of care and county administration provided under this chapter and Chapter 8 (commencing with Section 14500) shall include:

1. (a) An amount equal to ninety percent (90%) of the county cost of health care, excluding the amounts specified in the following table, uncompensated from any source in 1964–65 for all categorical aid recipients and other persons age 65 or over in the county medical institutions; plus

(b) The amount specified in the following table for the particular county, increased for such county for each fiscal year subsequent to 1964–65 by an amount proportionate to the increase in population for such county, as determined by the Department of Finance, measured from July 1, 1965:

Alameda	$1,790,210
Alpine	122
Amador	58,548
Butte	311,879
Calaveras	75,653
Colusa	52,243
Contra Costa	726,048
Del Norte	31,430
El Dorado	92,711
Fresno	764,251
Glenn	78,760
Humboldt	359,778
Imperial	77,556
Inyo	66,849
Kern	529,494
Kings	107,737
Lake	52,137
Lassen	52,129
Los Angeles	11,616,507
Madera	83,556
Marin	310,065
Mariposa	20,955
Mendocino	115,323
Merced	241,620
Modoc	29,738
Mono	4,221
Monterey	295,201
Napa	162,206
Nevada	98,785
Orange	1,039,390
Placer	123,966
Plumas	69,136
Riverside	586,992
Sacramento	1,226,822
San Benito	37,467
San Bernardino	806,036
San Diego	1,676,000
San Francisco	2,720,781
San Joaquin	686,553
San Luis Obispo	210,049
San Mateo	1,167,456
Santa Barbara	388,579
Santa Clara	1,272,536
Santa Cruz	303,203
Shasta	146,935
Sierra	5,550
Siskiyou	136,112
Solano	143,861
Sonoma	418,556
Stanislaus	513,800
Sutter	102,236
Tehama	72,930

Trinity	21,641
Tulare	540,117
Tuolumne	32,331
Ventura	358,860
Yolo	215,650
Yuba	78,392

(c) An amount equal to 90 percent of any part of the cost of care paid as the result of Title XVIII of the Federal Social Security Act for each person eligible under a state plan approved under Title XIX of the Federal Social Security Act which results in an excess of receipts over the amounts of uncompensated costs of health care which would otherwise have been incurred by the county.

The percentage specified in subdivision (c) hereof shall be reduced, for each county, to be from July 1, 1967 to June 30, 1968 eighty-five percent (85%) of said amount; from July 1, 1968 to June 30, 1969 eighty percent (80%) of said amount; and after July 1, 1969 seventy-five percent (75%) of said amount.

The remaining percentage of the base sums specified shall be used by the county for medical and health services.

SEC. 2. Section 14157 of the Welfare and Institutions Code is amended to read:

14157. There is hereby established a State Health Care Deposit Fund from which expenditures of state and federal funds for health care under this chapter and Chapter 8 (commencing with Section 14500) shall be made upon order of the Controller in accordance with certifications made by the director.

After the effective date of this chapter and Chapter 8, the Controller shall deposit in this fund all federal funds as received under the provisions of Title XIX of the Social Security Act, and after the effective date, shall upon order of the Director of Finance, transfer from the State General Fund to the Health Care Deposit Fund each month the sum specified by the Director of Finance as constituting the estimated amounts of General Fund money resulting from:

1. The unexpended balance of state appropriations for the existing Public Assistance Medical Care and Medical Aid for the Aged programs as of April 1, 1966;

2. The amount of reduced General Fund obligations for public assistance resulting from the increases in benefits under the Federal Social Security Act for the period October 1, 1965 through June 30, 1966;

3. The added benefits to widows under the Federal Social Security Act for the period October 1, 1965 through June 30, 1966;

4. The inclusion of newly eligible persons over the age of 72 under the Federal Social Security Act for the period October 1, 1965 through June 30, 1966;

5. The participation of the federal government in the cost of care to persons in mental institutions licensed by the Department of Mental Hygiene for the period April 1, 1966, through June 30, 1966;

6. The additional federal contribution to the cost of categorical assistance resulting from utilization of Section 1118 of the Social Security Act for the period April 1, 1966 through June 30, 1966.

The State General Fund amounts deposited into the Health Care Deposit Fund by June 30, 1966, shall be not less than thirty million dollars ($30,000,000), unless a determination is made by the Governor that such an amount is not available for transfer due to a disaster and he reports his findings to the Legislature prior to June 30, 1966.

In addition, as of the effective date of this chapter and Chapter 8 (commencing with Section 14500), the Controller shall transfer from the 1965–66 appropriation of the Department of Mental Hygiene to the Health Care Deposit Fund the amount of one million two hundred twenty-one thousand dollars ($1,221,000).

After July 1, 1966, for use during the fiscal year 1966–67, the Controller shall, upon order of the Director of Finance, transfer from the State General Fund to the Health Care Deposit Fund each month the sum specified by the Director of Finance as constituting the estimated amounts of General Fund money resulting from:

1. The equivalent amount of General Fund money appropriated for Public Assistance Medical Care and Medical Aid for the Aged during 1965–66;

2. The amount of reduced General Fund obligations for categorical assistance during 1966–67 from:

(a) The increase in social security benefits due to the 1965 Amendments to the Federal Social Security Act;

(b) The added benefits to widows made available by the 1965 Amendments to the Federal Social Security Act;

(c) The inclusion of newly eligible persons over age 72 made eligible by the 1965 Amendments to the Federal Social Security Act;

(d) The participation of the federal government in the cost of care to persons in mental institutions licensed by the Department of Mental Hygiene;

(e) The additional federal contributions to the cost of categorical assistance under Section 1118 of the Federal Social Security Act;

(f) The elimination of special need allowances for health care in the categorical assistance grants.

The State General Fund amounts deposited in the Health Care Deposit Fund by June 30, 1967 shall be not less than one hundred thirty million dollars ($130,000,000), unless a determination is made by the Governor that such an amount is not available for transfer due to a disaster and he reports his findings to the Legislature prior to June 30, 1967.

3. The amount of general funds that would, except for the 1965 Amendments to the Federal Social Security Act and this chapter and Chapter 8 of this part, have been necessarily appropriated to the Department of Mental Hygiene for the care of patients over the age of 65;

4. Any additional sum representing an advantage with respect to General Fund obligations resulting from the operation of the 1965 Amendments to the Federal Social Security Act in accordance with findings of the department concurred in by the Director of Finance and the Health and Welfare Administrator and filed 30 days in advance with the Joint Budget Committee of the Legislature.

After July 1, 1967, funds shall be transferred to the Health Care Deposit Fund as authorized annually by the Legislature based on estimates of expenditures under this chapter and Chapter 8 (commencing with Section 14500) submitted by the Health and Welfare Administrator.

If the amount contained in the Health Care Deposit Fund is insufficient to permit payment of the cost for basic and extended health care and county administration, after deducting the aggregate sum of the payments by each county as provided for in this article, the Controller, upon order of the Director of Finance, shall transfer any required additional sum from the General Fund to the Health Care Deposit Fund; provided, however, that in no event shall the total expenditures under this chapter and Chapter 8 of this part exceed the amount of expenditures permitted by Section 14150 or any other limitation contained in this chapter or in the act which added this chapter to the code, except that for the fiscal year ending June 30, 1967, the limitation on expenditures contained in Section 14150 is hereby removed and all costs incurred to that date shall be payable without regard to such limitation.

All money in the Health Care Deposit Fund is hereby appropriated, without regard to fiscal years, for expenditure for the purposes specified in this chapter and Chapter 8 of this part.

SEC. 2.5. Section 14158 is added to the Welfare and Institutions Code, to read:

14158. Notwithstanding any other provision of law, commencing with the fiscal year 1968–1969, funds for the medical assistance program shall be provided in accordance with the usual budgetary procedures, and provisions of this chapter and Chapter 8 of this part, fixing limitations on state expenditures and continuously appropriating funds, shall no longer have any application.

SEC. 3. 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 State Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the California Medical Assistance Program be permitted to operate at its present level, as contemplated by the Legislature, it is essential that this act take effect immediately.

SEC. 4. Expenditures from state sources under the medical assistance program for the fiscal year 1967–1968 shall not exceed three hundred five million dollars ($305,000,000), except that with the approval of the Director of Finance additional amounts may be expended if they are obtained by transfer from other sources as authorized by the Legislature.

SEC. 5. The Administrator of the Health and Welfare Agency shall report to the Legislature not later than January 31, 1968, showing in the report the following:

(1) Total program costs through December 31, 1967.
(2) Total number of recipients.
(3) Type of services provided.
(4) Total cost for each type of service.
(5) Payment rates for each type of service.
(6) Total program reductions since July 1, 1967.
(7) Total expenditure reductions caused by program reductions.
(8) Expenditure reduction for each type of service.

CHAPTER 1422

An act to add Article 29.6 (commencing with Section 74720) to Chapter 10 of Title 8 of the Government Code, relating to courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Article 29.6 (commencing with Section 74720) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 29.6. Southern Sonoma County

74720. This article applies to the municipal court established in a district embracing the Cities of Sonoma and Petaluma, designated as the Southern Sonoma County Judicial District.

74721. There shall be one judge.

74722. There shall be one clerk who shall receive a minimum salary of six hundred seventy-six dollars ($676) monthly with annual increments of thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), and thirty-nine dollars ($39), to a maximum of eight hundred twenty-one dollars ($821).

74723. The clerk may appoint:

(a) Two deputy clerks, grade III, each of whom shall receive a minimum salary of four hundred fifty-eight dollars ($458) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-six dollars ($26) to a maximum of five hundred fifty-six dollars ($556).

(b) One deputy clerk, grade II, who shall receive a minimum salary of four hundred fifteen dollars ($415) monthly with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23) and twenty-four dollars ($24), to a maximum of five hundred five dollars ($505).

(c) Two deputy clerks, grade I, each of whom shall receive a minimum salary of three hundred fifty-eight dollars ($358) monthly, with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-one dollars ($21), to a maximum of four hundred thirty-six dollars ($436).

74724. The Sheriff of Sonoma County shall serve and assist the municipal court without additional compensation. He may appoint one deputy to likewise serve and assist the court, who shall also receive no additional compensation for such service and assistance.

74725. Certain classes of employment in the municipal courts are deemed to be equivalent in job and salary level to certain classes in the service of the County of Sonoma, and, whenever the salary of said classes in the service of the County of Sonoma is adjusted by the board of supervisors, the salary of the comparable classes in the municipal courts shall be adjusted a like extent. Such adjustment shall be effective on the same date as the effective date of the action by the board of supervisors, as it applies to the classes in the service of the county, but such adjustments shall be effective only until the 61st day after the adjournment of the next regular session of the Legislature which commences thereafter.

(a) The class of clerk of the municipal court is equivalent in job and salary level to the class of assistant county clerk.

(b) The class of deputy clerk III is equivalent in job and salary level to the class of clerk-typist IV.

(c) The class of deputy clerk II is equivalent in job and salary level to the class of clerk-typist III.

(d) The class of deputy clerk I is equivalent in job and salary level to the class of clerk-typist II.

CHAPTER 1423

An act to amend Section 6300 of the Welfare and Institutions Code, relating to the Department of Public Health.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 6300 of the Welfare and Institutions Code is amended to read:

6300. The board of supervisors of each county may maintain in the county hospital or in any other hospital situated within or without the county, suitable facilities and hospital service for the detention, supervision, care, and treatment of persons who are mentally ill, mentally disordered, mentally deficient or retarded, or who are alleged to be such.

The county may contract with public or private hospitals for such facilities and hospital service when they are not suitably available in any institution or establishment maintained or operated by the county.

The facilities and services, unless subject to or provided under the Short-Doyle Act, shall be subject to the approval of the State Department of Public Health and each person having charge and control of any such hospital shall allow the department to make such investigations thereof as it deems necessary at any time.

Nothing in this chapter means that mentally ill, mentally disordered, mentally deficient or retarded persons may not be detained, supervised, cared for, or treated, subject to the right of inquiry or investigation by the department, in their own homes, or the homes of their relatives or friends, or in a licensed establishment.

CHAPTER 1424

An act to add Section 14117 to the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 14117 is added to the Welfare and Institutions Code, to read:

14117. (a) When benefits are provided to a beneficiary under this chapter or Chapter 8 (commencing with Section 14500) because of an injury for which another person is civilly liable, the administrator shall have a right to recover from such person the reasonable value of the benefits so provided. The Attorney General, or counsel for the fiscal inter-

mediary under the California Medical Assistance Program with the permission of the Attorney General, or a county through its civil legal advisor, may, to enforce such right, institute and prosecute legal proceedings against the third person who is liable for the injury in the appropriate court, either in the name of the administrator or in the name of the injured person, his guardian, personal representative, estate, or survivors. Such action shall be commenced within the period prescribed in Section 340 of the Code of Civil Procedure. In the event that the injured person, his guardian, personal representative, estate, survivors, or either of them brings an action for damages against the third person who is liable for the injury, the administrator's right of action shall abate during the pendency of such action, and, notwithstanding Section 14513, continue as a first lien against any judgment recovered by the injured person, his guardian, personal representative, estate, or survivors, against the third person who is liable for the injury, to the extent of the reasonable value of the care and treatment so furnished or to be furnished.

(b) The administrator may (1) compromise, or settle and execute a release of, any such claim, or (2) waive any such claim, in whole or in part, for the convenience of the administrator, or if the administrator determines that collection would result in undue hardship upon the person who suffered the injury.

(c) No action taken in behalf of the administrator pursuant to this section shall be a bar to any action upon the claim or cause of action of the injured person, his guardian, personal representative, estate, dependents, or survivors against the third person who is liable for the injury, or shall operate to deny to the injured person the recovery for that portion of his damage not covered hereunder.

CHAPTER 1425

An act to establish the American Revolution Bicentennial Commission of California.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. The purpose of this act is to provide for the observance in California of the Bicentennial of the American Revolution which will occur during the years 1975–1983. Since the American Revolution was an event of worldwide impact and had a lasting and profound effect upon our nation and all of the states which now comprise the United States of America, it is fitting for the purpose of commemorating an

epochal period of approximately 1765–1783 that a bicentennial commission be appointed to represent this state and to cooperate with other public and private organizations in observing the bicentennial anniversary. This is particularly fitting as Congress has adopted in July 1966, a joint resolution to establish a national American Revolution Bicentennial Commission, and as a consequence the President has announced in January 1967, the appointment of a commission of that name containing members of the two houses of Congress and representatives of the public chosen upon a bipartisan basis.

SEC. 2. The Legislature in enacting this act, and in reliance on the representations of organizations and citizens who are its sponsors, declares an intent that the commission which is created hereby shall operate without the appropriation of state funds for its purposes, but that expenditures of the commission shall be financed from donations, gifts and grants from private or other public sources; and, further, since the commission will perform its function as an agency of state government and in the name of the people of the state that its operations shall be subject to such fiscal and other controls as limit and control other state agencies, except as provided in this act.

SEC. 3. There is hereby created in the state government the American Revolution Bicentennial Commission of California, hereinafter designated as the commission, consisting of 20 members to be appointed on a nonpartisan basis as follows:

(a) 10 members by the Governor,

(b) 5 members by the Speaker of the Assembly,

(c) 5 members by the Senate Rules Committee.

SEC. 4. The legislative members appointed pursuant to Section 3 shall serve as a Joint Interim Committee on the American Revolution Bicentennial.

SEC. 6. The chairman of the commission shall be named by the Governor as hereinafter provided. All other officers shall be selected by the commission from its membership with the exception of a records-correspondence secretary and a treasurer who may be selected outside of commission personnel. All meetings of the commission shall be open and public, and commission members shall serve without compensation, reward or the receipt of expenses.

SEC. 7. The commission shall have such powers and duties, including, but not limited to, those hereafter set forth, as may be necessary to carry out the purposes of this act.

SEC. 8. The commission shall have the duty to provide for, assist, sponsor, and promote statewide and local celebrations, ceremonies, and observances, and fitting historical exhibits and publications, in order to commemorate and publicize the bicentennial of the American Revolution and of the events which preceded the years of actual hostilities. The position of the commission shall be advisory only and not managerial in relation to local observances

SEC. 9. The commission shall note and stress insofar as practicable that the central figure of the American War for

Independence is regarded as General George Washington of Virginia who accepted the command of the Continental Army, at the behest of Congress, on July 3, 1775 at Cambridge Massachusetts, and thereafter directed the course of the war to a successful outcome leading to the vindication of the independence of the United States of America in the year 1783. The commission shall be mindful and stress the preeminence of the great personalities among the founding fathers, including, but not restricted to, John Adams, Thomas Jefferson, Alexander Hamilton, John Marshall, James Madison, James Monroe, Samuel Adams, Benjamin Franklin and Patrick Henry.

SEC. 10. The commission shall cooperate in such manner as it deems suitable with the national American Revolution Bicentennial Commission and with like commissions in the several states and the District of Columbia, and shall cooperate with cities, counties, cities and counties, and districts, and with historical and patriotic bodies and societies and institutions of learning which may be involved in programs to commemorate the bicentennial anniversary of the War for Independence and of any leader or personality or feature of that era.

SEC. 11. The commission is authorized to accept donations or grants of money, property, or personal services and may call upon state departments or agencies for their advice, counsel and assistance in carrying out the purposes of this act.

SEC. 12. The commission may appoint an executive secretary and may employ technical, administrative and other personnel pursuant to state civil service and may contract for technical or special services.

SEC. 13. The funds received by the commission pursuant to this act shall be paid into the Special Deposit Fund subject to the provisions of Article 2 (commencing with Section 16370) of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code. The State Controller shall designate, by name, a separate account within the Special Deposit Fund covering the accountability for each class of grant or donation deposited under the provisions of this section.

All moneys deposited in the Special Deposit Fund under the provisions of this section is appropriated, without regard to fiscal years, for expenditure for the purposes for which such money was made available to the commission.

SEC. 14. The commission may recommend to the Legislature persons or organizations within or without California for notable achievements in furthering the objectives linked to the commemoration in California of the bicentennial of the American Revolution and related events. If the Legislature concurs in the recommendations of the commission, it shall by concurrent resolution, authorize the commission to grant such awards.

SEC. 15. The office of chairman of the commission insofar as practicable shall rotate during the existence of the commission in order to assure a renewal of leadership. A new chairman may be chosen from the membership of the commission or may replace a member. Chairmen shall be named in 1967,

December 1974, December 1978, and December 1981. If a new chairman as herein specified has not been named at a particular time, his predecessor shall continue in office until his successor has been appointed The commission shall expire March 15, 1984. Not later than March 1985, the records, files and other memoranda of the commission apart from private possessions shall be deposited and filed with the Secretary of State of California who shall receive the same.

SEC. 16. The commission shall file an annual report with the Legislature. Such report shall include but not be limited to the plans evolved by the commission, its financial transactions and the status of the special fund created by this act. The report shall be filed no later than the fifth legislative day of each regular session commencing with the 1969 Regular Session of the Legislature.

SEC. 17. The creation of the commission shall not supersede or pre-empt the existence of any legislative committee which may be appointed to study and report upon any phase or feature of the American Revolution.

CHAPTER 1426

An act to amend Section 21661 of, and to add Section 21661.1 to, the Public Utilities Code, relating to airports.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 21661 of the Public Utilities Code is amended to read:

21661. This article does not apply to airports owned or operated by the United States or to privately owned airports not open to the general public when the airports are outside of the traffic pattern or control zone of an airport for which a permit has been granted. This article does not apply to privately owned airports that are used, except for occasional and emergency landings, solely by the owners thereof, provided that no facilities such as gasoline be provided any person except the owners of such airport, further provided, that such airports are outside of the traffic pattern or control zone of an airport for which a permit has been granted. To the extent necessary, the division may exempt any other class of airports, pursuant to a reasonable classification or grouping, from any rule or requirement thereof, promulgated under this article, if it finds that its application would be an undue burden on the class and is not required in the interest of public safety.

SEC. 2. Section 21661.1 is added to the Public Utilities Code, to read:

21661.1. "Owner of a private airport," as this term is used in this article, shall mean a person having an interest of 5 percent or more in the entire property used as an airport or an interest of 5 percent or more in the leasehold.

CHAPTER 1427

An act to amend Section 26451 of the Vehicle Code, relating to motor vehicle equipment.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 26451 of the Vehicle Code is amended to read:

26451. The parking brake system of every motor vehicle shall comply with the following requirements:

(a) The parking brake shall be adequate to hold the vehicle or combination of vehicles stationary on any grade on which it is operated under all conditions of loading on a surface free from snow, ice or loose material. In any event the parking brake shall be capable of locking the braked wheels to the limit of traction.

(b) The parking brake shall be applied either by the driver's muscular efforts, by spring action, or by other energy which is isolated and used exclusively for the operation of the parking brake or the combination parking brake and emergency stopping system.

(c) The parking brake shall be held in the applied position by mechanical means, spring devices, or captive air pressure in self-contained cells, which self-contained cells do not lose more than five pounds of air pressure during a 30-day period from their standard operating pressure potential as established by the manufacturer. The force to hold the vehicle parked shall be applied through mechanical linkage to the braked wheels when a spring device or captive air pressure in self-contained cells is used.

CHAPTER 1428

An act to amend Sections 664.5 and 667a of the Code of Civil Procedure, relating to judgments.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 664.5 of the Code of Civil Procedure is amended to read:

664.5. Promptly upon entry of judgment in a contested action or special proceeding in a superior or municipal court, the clerk of the court shall mail notice of entry of judgment to all parties who have appeared in the action or special proceeding and shall execute an affidavit of such mailing and place it in the court's file in the cause. For purposes of this section, "judgment" includes any judgment, decree, or signed order from which an appeal lies.

Upon order of the court in any action or special proceeding, the clerk shall mail notice of entry of any judgment or ruling, whether or not appealable.

SEC. 2. Section 667a of the Code of Civil Procedure is amended to read:

667a. Promptly upon entry of judgment in a contested action or special proceeding in a justice court, the clerk of the court or the judge shall mail notice of entry of judgment to all parties who have appeared in the action or special proceeding and shall execute an affidavit of such mailing and place it in the court's file in the cause. For purposes of this section, "judgment" includes any judgment, decree, or signed order from which an appeal lies.

Upon order of the court in any action or special proceeding, the clerk or the judge shall mail notice of entry of any judgment or ruling, whether or not appealable.

CHAPTER 1429

An act to add Section 9612.5 to the Government Code, relating to duplicate bridge.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 9612.5 is added to the Government Code, to read:

9612.5. (a) No city, county, or district may enact an ordinance prohibiting or regulating the playing of duplicate bridge. Duplicate bridge is defined as the card game of bridge played at tournaments conducted by bridge associations, bridge clubs or bridge studios which do not permit wagering or gambling on the outcome of the bridge games played in their tournaments, or otherwise, either by the rules of said associations or the rules of the individual bridge clubs and bridge studios.

(b) The person or persons in charge of any duplicate bridge tournament shall post, or cause to be posted, in the place where the tournament is conducted and in such manner as to be visible to participants, the rule of the association, club, or studio which prohibits wagering or gambling. Such person or

persons shall permit inspection of the rules of the association, club, or studio by law enforcement officers and licensing officials of the county or city in which the tournament is conducted.

CHAPTER 1430

An act to add Section 6537.2 to the Business and Professions Code, relating to labor.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 6537.2 is added to the Business and Professions Code, to read:

6537.2. With the approval of the State Board of Barber Examiners and in compliance with such regulations as it may adopt, state and local apprenticeship committees may establish postgraduate or upgrading courses in barbering, under Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code, with or without on-the-job training, for persons registered by the board as barbers or apprentices.

CHAPTER 1431

An act to amend Section 5016 and Section 5016.1 of the Public Resources Code, relating to acquisition and exchange of lands at the Anza-Borrego Desert State Park.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 5016 of said code is amended to read:

5016. In order to eliminate or acquire privately owned lands situated within the exterior boundaries of the Anza-Borrego Desert State Park, the department is authorized to exchange for such lands other lands of approximately equal value which have been or may hereafter be patented to the state for park purposes by the federal government. In making the exchanges the department may comply with all rules prescribed by the Secretary of the Interior relating thereto.

SEC. 2. Section 5016.1 of said code is amended to read:

5016.1. In order to exchange certain lands patented to the State of California for park purposes situated outside and within 10 miles of the exterior boundaries of the Anza-Borrego Desert State Park for the purpose of acquisition of other public domain lands needed for park purposes still within these

boundaries as well as elsewhere in the state, the department is authorized to exchange such lands for lands of approximate equal value which may be made available for park purposes by the federal government. In making the exchanges the department may comply with all rules prescribed by the Secretary of Interior relating thereto.

CHAPTER 1432

An act to add Section 69611 to the Government Code, relating to superior courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 69611 is added to the Government Code, to read:

69611. In the County of Yuba there shall be two judges of the superior court.

CHAPTER 1433

An act to amend Section 73641 of the Government Code, relating to El Cajon Municipal Court.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 73641 of the Government Code is amended to read:

73641. There shall be three judges.

CHAPTER 1434

An act to amend Section 73075 of the Government Code, relating to municipal courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 73075 of the Government Code is amended to read:

73075. Each of the municipal court districts established in Alameda County shall have the number of judges set out below

opposite the name of the judicial district over which such court has jurisdiction:

Alameda Judicial District	1
Berkeley-Albany Judicial District	2
Oakland-Piedmont Judicial District	11
San Leandro-Hayward Judicial District	3

CHAPTER 1435

An act to amend Section 73075 of the Government Code, relating to municipal courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 73075 of the Government Code is amended to read:

73075. Each of the municipal court districts established in Alameda County shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Alameda Judicial District	1
Berkeley-Albany Judicial District	2
Oakland-Piedmont Judicial District	11
San Leandro-Hayward Judicial District	4

CHAPTER 1436

An act to amend Section 69599 of the Government Code, relating to courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 69599 of the Government Code is amended to read:

69599. In San Mateo County there shall be 11 judges of the superior court.

CHAPTER 1437

An act to amend Section 73341 of, and to repeal Section 73341.5 of, the Government Code, relating to courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 73341 of the Government Code is amended to read:

73341. Except as otherwise provided in this article, each municipal court district established in Contra Costa County shall have the number of judges set forth opposite the name of the judicial district over which such court has jurisdiction.

Mt. Diablo Judicial District	2
Richmond Judicial District	3
San Pablo Judicial District	1
Walnut Creek-Danville Judicial District	2
Any other court established or declared to exist	1

SEC. 2. Section 73341.5 of the Government Code is repealed.

CHAPTER 1438

An act to amend Sections 74191, 74192, 74193, 74194, 74195, and 74196 of the Government Code, relating to municipal courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 74191 of the Government Code is amended to read:

74191. There shall be nine judges. The judges of courts superseded by consolidation of municipal court districts shall automatically succeed to judgeships of the consolidated district.

SEC. 2. Section 74192 of the Government Code is amended to read:

74192. There shall be one clerk and administrator who shall be appointed by the judges of the court and who shall be secretary of the court. The clerk and administrator shall receive a monthly salary at a rate specified in Schedule 70 step 3 of Section 74196.

SEC. 3. Section 74193 of the Government Code is amended to read:

74193. The clerk and administrator shall appoint:

(a) One assistant clerk who shall receive a monthly salary at a rate specified in Schedule 51 of Section 74196.

(b) One chief deputy clerk, who shall receive a monthly salary at a rate specified in Schedule 47 of Section 74196.

(c) Three deputy clerks, grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 41 of Section 74196.

(d) One legal stenographer who shall receive a monthly salary at a rate specified in Schedule 34 of Section 74196.

(e) Ten court clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 41 of Section 74196.

(f) Four deputy clerks, grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 37 of Section 74196.

(g) Twenty-two deputy clerks, grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 31 of Section 74196.

(h) Seventeen deputy clerks, grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 24 of Section 74196.

SEC. 4. Section 74194 of the Government Code is amended to read:

74194. There shall be one marshal, who shall be appointed by the judges of the court, and who shall receive a monthly salary at a rate specified in Schedule 64 step 3 of Section 74196.

SEC. 5. Section 74195 of the Government Code is amended to read:

74195. The marshal shall appoint:

(a) One assistant marshal who shall receive a monthly salary at a rate specified in Schedule 54 of Section 74196.

(b) Eight deputy marshals, who shall be sergeants, each of whom shall receive a monthly salary at a rate specified in Schedule 48 of Section 74196.

(c) Fourteen deputy marshals, bailiffs, each of whom shall receive a monthly salary at a rate specified in Schedule 44 of Section 74196.

(d) One deputy marshal, clerk grade IV, who shall receive a monthly salary at a rate specified in Schedule 41 of Section 74196.

(e) One deputy marshal, clerk grade III, who shall receive a monthly salary at a rate specified in Schedule 37 of Section 74196.

(f) Five deputy marshals, clerk grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 31 of Section 74196.

(g) Two deputy marshals, clerk grade I, who shall receive a monthly salary at a rate specified in Schedule 24 of Section 74196.

SEC. 6. Section 74196 of the Government Code is amended to read:

74196. Whenever reference to a numbered salary schedule is made in any section of this article the following schedule of monthly salaries shall apply.

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
20	341	358	376	395	415
21	349	367	385	405	425
22	358	376	395	415	436
23	367	385	405	425	447
24	376	395	415	436	458
25	385	405	425	447	469
26	395	415	436	458	481
27	405	425	447	469	493
28	415	436	458	481	505
29	425	447	469	493	517
30	436	458	481	505	530
31	447	469	493	517	543
32	458	481	505	530	556
33	469	493	517	543	570
34	481	505	530	556	584
35	493	517	543	570	598
36	505	530	556	584	613
37	517	543	570	598	628
38	530	556	584	613	644
39	543	570	598	628	660
40	556	584	613	644	676
41	570	598	628	660	693
42	584	613	644	676	710
43	598	628	660	693	727
44	613	644	676	710	745
45	628	660	693	727	763
46	644	676	710	745	782
47	660	693	727	763	801
48	676	710	745	782	821
49	693	727	763	801	841
50	710	745	782	821	862
51	727	763	801	841	883
52	745	782	821	862	905
53	763	801	841	883	927
54	782	821	862	905	950
55	801	841	883	927	975
56	821	862	905	950	1,000
57	841	883	927	975	1,025
58	862	905	950	1,000	1,050
59	883	927	975	1,025	1,075
60	905	950	1,000	1,050	1,102
61	927	975	1,025	1,075	1,128
62	950	1,000	1,050	1,102	1,155

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
63	975	1,025	1,075	1,128	1,184
64	1,000	1,050	1,102	1,155	1,213
65	1,025	1,075	1,128	1,184	1,243
66	1,050	1,102	1,155	1,213	1,274
67	1,075	1,128	1,184	1,243	1,306
68	1,102	1,155	1,213	1,274	1,338
69	1,128	1,184	1,243	1,306	1,371
70	1,155	1,213	1,274	1,338	1,405
71	1,184	1,243	1,306	1,371	1,440
72	1,213	1,274	1,338	1,405	1,475
73	1,243	1,306	1,371	1,440	1,512
74	1,274	1,338	1,405	1,475	1,550

(a) Unless otherwise specifically provided each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first 12 months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following 12 months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in the highest step of the schedule pertaining to such position.

(b) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step 1 of such schedule if step 1 is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

(c) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

CHAPTER 1439

An act to amend Section 69586 of the Government Code, relating to superior court judges.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 69586 of the Government Code is amended to read:

69586. In the County of Los Angeles there shall be 134 judges of the superior court, any one or more of whom may hold court.

CHAPTER 1440

An act to amend Section 69592 of the Government Code, relating to superior courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 69592 of the Government Code is amended to read:

69592. In the County of Riverside there shall be nine judges of the superior court. On and after April 1, 1968, there shall be 10 judges.

CHAPTER 1441

An act to amend Section 74501 of the Government Code, relating to municipal courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 74501 of the Government Code is amended to read:

74501. There shall be 17 judges.

CHAPTER 1442

An act to amend Section 69583 of the Government Code, relating to superior courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 69583 of the Government Code is amended to read:

69583. In the County of Fresno there shall be eight judges of the superior court.

CHAPTER 1443

An act to amend Section 69599.5 of the Government Code, relating to superior courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 69599.5 of the Government Code is amended to read:

69599.5. In the County of Santa Barbara there shall be six judges of the superior court.

SEC. 2. The increase in the number of judges in the Santa Barbara Superior Court provided by this act shall be operative on April 1, 1968.

CHAPTER 1444

An act to add Section 73075.5 to the Government Code, relating to municipal courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 73075.5 is added to the Government Code, to read:

73075.5. There shall be one additional judge in the Fremont-Newark-Union City Judicial District.

SEC. 2. This act shall become operative on January 1, 1968.

CHAPTER 1445

An act to amend Section 9104 of the Vehicle Code and Section 10781 of the Revenue and Taxation Code, relating to vehicle registration fees.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 9104 of the Vehicle Code is amended to read:

9104. The fees specified in this code except fees for duplicate plates, certificates, or cards need not be paid for any vehicle of a type subject to registration under this code owned by a public fire department organized as a nonprofit corporation and used exclusively for firefighting purposes or exclusively as an ambulance, nor for any vehicle owned by a voluntary fire department organized under the laws of this state and used exclusively for firefighting purposes or exclusively as an ambulance.

SEC. 2. Section 10781 of the Revenue and Taxation Code is amended to read:

10781. The license fee imposed by this part does not apply to any vehicle owned by the United States, by any foreign government, by a consul or other official representative of any foreign government, by the state, by any political subdivision of the state, or by any city, city and county, county, district, public corporation, or by a public fire department organized as a nonprofit corporation and used exclusively for firefighting purposes or exclusively as an ambulance.

CHAPTER 1446

An act to amend Section 12.2 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, to amend Section 4 of Chapter 137 of the Statutes of 1966, First Extraordinary Session, to amend Section 230 of, to amend the heading of Chapter 5 (commencing with Section 13100), Division 7 of, to amend Sections 13100 and 13101 of, to amend and renumber Sections 13102, 13103, 13104, and 13105 of, to add Sections 13005.1 and 13020.3 to, to add an article heading immediately before Section 13100 of, to add an article heading immediately before Section 13102 of, to add Sections 13111 and 13115 to, to add Article 3 (commencing with Section 13125) to Chapter 5 of Division 7 of, to add

Chapter 6 (commencing with Section 13500) to Division 7 of, the Water Code, relating to water pollution and reclamation, and making an appropriation therefor.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 230 of the Water Code is amended to read:

230. The department, either independently or in cooperation with any person or any county, state, federal, or other agency, or upon the request of the State Water Resources Control Board, to the extent funds are allocated therefor, shall conduct surveys and investigations relating to the reclamation of water from sewage or industrial wastes for beneficial purposes, including but not limited to the determination of quantities of such water presently wasted, and possibilities of use of such water for recharge of underground storage or for agricultural or industrial uses; and shall report to the Legislature and to the appropriate regional water quality control board thereon, annually.

SEC. 2. Section 13005.1 is added to the Water Code, to read:

13005.1. "Reclaimed waste waters" means waters containing sewage or industrial waste which have been treated or otherwise purified so as to enable direct beneficial reuse or to allow reuse that would not otherwise occur.

SEC. 2.5. Section 13020.3 is added to the Water Code, to read:

13020.3. For the purpose of reviewing applications for grants made pursuant to the Federal Water Pollution Control Act, the state board shall give priority to applicants having facilities providing optimum reclamation or reuse of waste waters.

SEC. 3. The heading of Chapter 5 (commencing with Section 13100) of Division 7 of the Water Code is amended to read:

CHAPTER 5. STATE FINANCIAL ASSISTANCE FOR WATER POLLUTION CONTROL AND WASTE WATER RECLAMATION

SEC. 4. An article heading is added immediately preceding Section 13100 of the Water Code, to read:

Article 1. State Water Quality Control Fund

SEC. 5. Section 13100 of the Water Code is amended to read:

13100. As used in this chapter, unless otherwise apparent from the context:

(a) "Fund" means the State Water Quality Control Fund.

(b) "Public agency" means any city, county, district, or other political subdivision of the state.

(c) "Facilities" means either or both (1) facilities for the collection, treatment, or export of sewage when necessary to prevent water pollution or (2) facilities to reclaim waste waters.

SEC. 6. Section 13101 of the Water Code is amended to read:

13101. The State Water Quality Control Fund is continued in existence. The following moneys in the fund are appropriated, without regard to fiscal years, for expenditure by the state board in making loans to public agencies in accordance with the provisions of this chapter:

(a) The balance of the original moneys deposited therein.

(b) Any money repaid thereto

(c) Any remaining balance of the money in the fund deposited therein after the specific appropriations for loans to the South Tahoe Public Utility District, the North Tahoe Public Utility District, the Tahoe City Public Utility District, the Truckee Sanitary District, and to any other governmental entity in the areas served by such districts have been made.

SEC. 7. An article heading is added immediately preceding Section 13102 of the Water Code, to read:

Article 2. Loans to Local Agencies

SEC. 8. Section 13102 of the Water Code is amended and renumbered to read:

13110. Applications for construction loans under this chapter shall include:

(a) A description of the proposed facilities.

(b) A statement of facts showing the necessity for the proposed facilities and showing that funds of the public agency are not available for financing such facilities and that the sale of revenue or general obligation bonds through private financial institutions is impossible or would impose an unreasonable burden on the public agency.

(c) A proposed plan for repaying the loan.

(d) Other information as required by the state board.

SEC. 9. Section 13103 of the Water Code is amended and renumbered to read:

13111. Upon a determination by the state board, after consultation with the State Board of Public Health, that (a) the facilities proposed by an applicant are necessary to the health or welfare of the inhabitants of the state, (b) that the proposed facilities meet the needs of the applicant, (c) that funds of the public agency are not available for financing such facilities and that the sale of revenue or general obligation bonds through private financial institutions is impossible or would impose an unreasonable burden on the public agency, (d) that the proposed plan for repayment is feasible, (e) in the case

of facilities proposed under Section 13100(c)(1) that such facilities are necessary to prevent water pollution, and (f) in the case of facilities proposed under Section 13100(c)(2) that such facilities will produce water suitable for beneficial reuse and that the public agency has adopted a feasible program for such reuse, the state board, subject to approval by the Director of Finance, may loan to the applicant such sum as it determines is not otherwise available to the public agency to construct the proposed facilities.

SEC. 10. Section 13104 of the Water Code is amended and renumbered to read:

13112. No loan shall be made to a public agency unless it executes an agreement with the state board under which it agrees to repay the amount of the loan, with interest, within 25 years following, at the election of the state board and with the concurrence of the Director of Finance, a 10-year moratorium on principal and interest payments. Except as otherwise provided in this section, the interest shall be at a rate equal to the average, as determined by the state board, of the net interest costs to the state on the sales of general obligation bonds of the state that occurred during the calendar year immediately preceding the calendar year in which the interest falls due. The interest falling due after the moratorium shall be payable at the last rate applied during the moratorium. However, when the applicable average of the net interest costs to the state is not a multiple of one-tenth of 1 percent, the interest rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs.

The interest rate applicable to any loan made pursuant to this chapter for which an application was filed prior to January 1, 1967, shall be at the rate of 2 percent.

SEC. 11. Section 13105 of the Water Code is amended and renumbered to read:

13113. All money received in repayment of loans under this chapter shall be paid to the State Treasurer and credited to the fund.

SEC. 11.5. Section 13114 is added to the Water Code, to read:

13114. (a) Loans may be made by the state board to public agencies to pay not more than one-half of the cost of studies and investigations made by such public agencies in connection with waste water reclamation.

(b) Not more than a total of two hundred thousand dollars ($200,000) shall be loaned pursuant to this section in any fiscal year, and not more than fifty thousand dollars ($50,000) shall be loaned to any public agency in any fiscal year pursuant to this section. In the event that less than two million dollars ($2,000,000) is available in any fiscal year for loans under this article, then not more than 10 percent of the available amount shall be available for loans for studies and investigations pursuant to this section.

(c) Applications for such loans shall be made in such form, and shall contain such information, as may be required by the state board.

(d) Such loans shall be repaid within a period not to exceed 10 years, with interest at a rate established in the manner provided in Section 13112.

SEC. 12. Section 13115 is added to the Water Code, to read:

13115. The state board may, from time to time, make such rules and regulations which are consistent with this chapter as may be necessary to carry out this chapter.

SEC. 13. Article 3 (commencing with Section 13125) is added to Chapter 5 of Division 7 of the Water Code, to read:

Article 3. Public Agency Election

13125. Before a public agency may enter into a contract with the state board for a construction loan under this chapter, the public agency shall hold an election on the proposition of whether or not the public agency shall enter into the proposed contract and more than 50 percent of the votes cast at such election must be in favor of such proposition.

13126. The election shall be held in accordance with the following provisions.

(a) The procedure for holding an election on the incurring of bonded indebtedness by such public agency shall be utilized for an election of the proposed contract as nearly as the same may be applicable. Where the law applicable to such agency does not contain such bond election procedure, the procedure set forth in the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) Part 1, Division 2, Title 5 of the Government Code), as it may now or hereafter be amended, shall be utilized as nearly as the same may be applicable.

(b) No particular form of ballot is required.

(c) The notice of the election shall include a statement of the time and place of the election, the purpose of the election, the general purpose of the contract, and the maximum amount of money to be borrowed from the state under the contract.

(d) The ballots for the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of the election, shall state the maximum amount of money to be borrowed from the state under the contract, and shall contain the words "Execution of contract—Yes" and "Execution of contract—No."

(e) The election shall be held in the entire public agency except where the public agency proposes to contract with the state board on behalf of a specified portion, or of specified portions, of the public agency, in which case the election shall be held in such portion or portions of the public agency only.

SEC. 14. Chapter 6 (commencing with Section 13500) is added to Division 7 of the Water Code, to read:

CHAPTER 6. WASTE WATER RECLAMATION AND REUSE

Article 1. Short Title

13500. This chapter shall be known as and may be cited as the Waste Water Reclamation and Reuse Law.

Article 2. Declaration of Policy

13510. It is hereby declared that the people of the state have a primary interest in the development of facilities to reclaim waters containing sewage or industrial waste to supplement existing surface and underground water supplies and to assist in meeting the future water requirements of the state.

13511. The Legislature finds and declares that a substantial portion of the future water requirements of this state may be economically met by beneficial reuse of waste waters that have been reclaimed.

The Legislature further finds and declares that the utilization of reclaimed waste waters by local communities for domestic, agricultural, industrial, recreational, and fish and wildlife purposes will contribute to the peace, health, safety and welfare of the people of the state. Reuse of reclaimed waste waters constitutes the development of "new basic water supplies" as that term is used in Chapter 5 (commencing with Section 12880) of Part 6 of Division 6.

13512. It is the intention of the Legislature that the state undertake all possible steps to encourage development of waste water reclamation facilities so that reclaimed waste water may be made available to help meet the growing water requirements of the state.

Article 3. State Assistance

13515. In order to implement the policy declarations of this chapter, the state board is authorized to provide loans for the development of waste water reclamation facilities, or for studies and investigations in connection with waste water reclamation, pursuant to the provisions of Chapter 5 (commencing with Section 13100) of this division.

Article 4. Regulation of Reuse

13520. As used in this article "contamination standards" means the levels of constituents of water, which will be safe for any direct reuse purpose.

13521. The State Department of Public Health shall establish statewide contamination standards for each varying type of direct use of reclaimed waste waters where such use involves the protection of public health.

13522. Whenever the State Department of Public Health finds that a contamination exists as a result of direct use of

reclaimed waste waters, the department shall order the contamination abated in accordance with the procedure provided for in Chapter 6 (commencing with Section 5400), Part 3, Division 5 of the Health and Safety Code.

13523. Each regional board, pursuant to Chapter 4 (commencing with Section 13040) of this division, after consulting with and receiving the recommendations of the State Department of Public Health, and if it determines such action to be necessary to protect the public health, safety, or welfare, shall establish waste discharge requirements for users of water which is used or will be used directly as reclaimed waste water. Such requirements shall conform to the statewide contamination standards established pursuant to this article.

13524. In administering any statewide program of financial assistance for water pollution or water quality control which may be delegated to it pursuant to Section 13023, the state board shall give priority to water pollution control facilities providing optimum reclamation and reuse of waste waters.

Nothing in this chapter prevents the appropriate regional board from establishing requirements if a discharge is involved.

13525. No provision of this chapter shall be construed as affecting the existing powers of the State Department of Public Health.

Article 5. Surveys and Investigations

13530. The department, either independently or in cooperation with any person or any county, state, federal, or other agency, or on request of the state board, to the extent funds are allocated therefor, shall conduct surveys and investigations relating to the reclamation of water from sewage or industrial wastes pursuant to Section 230.

SEC. 15. Section 12.2 of Chapter 138, Statutes of 1964, First Extraordinary Session, is amended to read:

Sec. 12.2. During the fiscal years 1967–1968 to 1971–1972, inclusive, two million dollars ($2,000,000) of the oil revenue and dry gas revenue payable to the State of California under this act each year shall be deposited in the State Water Quality Control Fund, after the amount provided for in Section 12 is deposited in the California Water Fund and the amount provided for in Section 12.1 is deposited in the Central Valley Water Project Construction Fund, and shall be available for expenditure pursuant to Chapter 5 (commencing with Section 13100) of Division 7 of the Water Code.

SEC. 16. Section 4 of Chapter 137, Statutes of 1966, First Extraordinary Session, is amended to read:

Sec. 4. All money received in repayment of loans under this act shall be paid to the State Treasurer and credited to the State Water Quality Control Fund, to be available for the purposes of Chapter 5 (commencing with Section 13100) of Division 7 of the Water Code.

CHAPTER 1447

An act to amend the heading of Article 2 (commencing with Section 5410) of Chapter 6 of Division 5 of, and to amend Sections 5410, 5411, 5415, 5461, and 5462 of, the Health and Safety Code, and to amend Sections 230, 13001, 13002, 13005, 13041, 13052.2, 13054, 13054.1, 13054.3, 13054.4, 13054.5, 13055, 13060, and 13063 of, and to add Section 13052.3 to, the Water Code, to amend Section 13015 of the Water Code, as added by Assembly Bill No. 163 of the 1967 Regular Session, to amend Section 230 of the Water Code, as amended by Assembly Bill No. 164 of the 1967 Regular Session, and to amend Section 13005.1 of the Water Code, as added by Assembly Bill No. 164 of the 1967 Regular Session, relating to water quality control.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 2 (commencing with Section 5410) of Chapter 6 of Division 5 of the Health and Safety Code is amended to read:

Article 2. Sewage and Other Waste

SEC. 2. Section 5410 of the Health and Safety Code is amended to read:

5410. As used in this chapter:

(a) "Sewage" means any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

(b) "Other waste" means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature.

(c) "Person" as used in this article also includes any city, county and any district.

(d) "Waters of the state" means any waters, surface or underground, including saline waters, within the boundaries of the state as defined and described in Section 1 of Article XXI of the Constitution and as given greater precision in Sections 170, 171, and 172 of the Government Code.

(e) "Contamination" means an impairment of the quality of the waters of the state by sewage or other waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of sewage or other waste, whether or not waters of the state are affected.

(f) "Pollution" means an impairment of the quality of the waters of the state by sewage or other waste to a degree

which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic, industrial, agricultural, navigational, recreational or other beneficial use.

(g) "Nuisance" means damage to any community by odors or unsightliness resulting from unreasonable practices in the disposal of sewage or other wastes.

(h) "Regional board" means any regional water quality control board created pursuant to Section 13041 of the Water Code.

SEC. 3. Section 5411 of the Health and Safety Code is amended to read:

5411. No person shall discharge sewage or other waste, or the effluent of treated sewage or other waste, in any manner which will result in contamination, pollution or a nuisance.

SEC. 4. Section 5415 of the Health and Safety Code is amended to read:

5415. No provision in this chapter is a limitation:

(a) On the power of a city or county to adopt and enforce additional regulations not in conflict therewith imposing further conditions, restrictions, or limitations with respect to the disposal of sewage or other waste.

(b) On the power of any city or county to declare, prohibit, and abate nuisances.

(c) On the power of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(d) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution.

SEC. 5. Section 5461 of the Health and Safety Code is amended to read:

5461. Any person who discharges sewage or other waste in any manner which results in contamination is guilty of a misdemeanor.

SEC. 5.1. Section 5462 of the Health and Safety Code is amended to read:

5462. Any action taken pursuant to this article with respect to the abatement of contamination created by the disposal of sewage or other waste from a community or cooperative sewerage system, shall be taken only against the agent or the agency operating such system and the contributor or contributors to the system whose waste in and of itself creates a contamination.

SEC. 5 2. Section 13001 of the Water Code is amended to read:

13001. No provision of this division or any ruling of the State Water Resources Control Board or a regional water quality control board is a limitation:

(a) On the power of a city or county to adopt and enforce additional regulations not in conflict therewith imposing fur-

ther conditions, restrictions, or limitations with respect to the disposal of sewage or other waste or any other activity which might result in the pollution of water.

(b) On the power of any city or county to declare, prohibit, and abate nuisances.

(c) On the power of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(d) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution.

SEC. 5.3. Section 13002 of the Water Code is amended to read:

13002. No provision of this division shall be construed as affecting the right of any person to the use of water for any beneficial use other than the use for disposal of sewage and other wastes. No regional board, by prescribing requirements, shall be precluded thereafter from revising requirements relative to the same disposal area or receiving waters. A discharge pursuant to the prescribed requirements shall not create a vested right to continue such discharge under the same requirements.

SEC. 6. Section 13005 of the Water Code is amended to read:

13005. As used in this division: "State board" means the State Water Resources Control Board.

"Regional board" means any regional water quality control board created pursuant to this division.

"Person" as used in this division also includes any city, county, district, the state or any department or agency thereof.

"Sewage" means any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

"Other waste" means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing, or processing operation of whatever nature.

"Waters of the state" means any waters, surface or underground, including saline waters, within the boundaries of the state as defined and described in Section 1 of Article XXI of the Constitution and as given greater precision in Sections 170, 171, and 172 of the Government Code.

"Contamination" means an impairment of the quality of the waters of the state by sewage or other waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of sewage or other waste, whether or not waters of the state are affected.

"Pollution" means an impairment of the quality of the waters of the state by sewage or other waste to a degree which

does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic, industrial, agricultural, navigational, recreational or other beneficial use, or which does adversely and unreasonably affect the ocean waters and bays of the state devoted to public recreation.

"Nuisance" means damage to any community by odors or unsightliness resulting from unreasonable practices in the disposal of sewage or other wastes.

"District attorney," as used in this division, means "county counsel" with respect to any county having such an officer and "city attorney" with respect to any city and county having such an officer as to all matters except the prosecution of crimes.

"Water quality control" means the control of any factor which adversely and unreasonably impairs the quality of the waters of the state for beneficial use.

"Water quality control policy" means water quality objectives for affected waters of the state where water quality control measures are necessary or may be needed in the future to assure suitable water quality for beneficial use.

SEC. 7. Section 13041 of the Water Code is amended to read:

13041. A regional board, consisting of the following members shall be appointed by the Governor for each of the regions described in Section 13040:

(a) One person associated with organizations dealing with water supply, conservation, or production;

(b) One person associated with irrigated agriculture who is an owner or manager of a farm in the region;

(c) One person selected from persons acting in an executive or administrative capacity in industries producing other waste in the region;

(d) One person associated with the municipalities in the region;

(e) One person associated with the counties in the region;

(f) One person, not employed by any governmental agency, from a responsible organization associated with both recreation and wildlife;

(g) One person not specifically associated with any of the foregoing interests representing the public at large.

SEC. 8. Section 13052.2 of the Water Code is amended to read:

13052.2. The regional boards shall not adopt water pollution control or water quality control policy unless a public hearing is first held respecting the adoption of such policy.

Any such water quality control policy shall become effective 60 days from the date of its filing in the office of the state board, unless specifically disapproved by the state board.

SEC. 8.5. Section 13052.3 is added to the Water Code, to read:

13052.3. State offices, departments, and boards shall take cognizance of the water quality control policy formulated and adopted by the appropriate regional board in carrying out water quality activities within a single region.

SEC. 9. Section 13054 of the Water Code is amended to read:

13054. Any person proposing to discharge sewage or other waste within any region, other than into a community sewer system, shall file with the regional board of that region a report of such proposed discharge. Upon the request of the regional board, any person presently discharging sewage or other waste within any region, other than into a community sewer system, shall file with the regional board of that region a report of such discharge. The reporting of a discharge of sewage from family dwellings in any area may be waived by the regional board. The regional board, after any necessary hearing, shall prescribe requirements as to the nature of such proposed or existing discharge with relation to the conditions existing from time to time in the disposal area or receiving waters upon or into which the discharge is made or proposed and notify the person making or proposing the discharge of its action. Such requirements may be revised from time to time. After receipt of such notice, the person so notified shall provide adequate facilities to meet any such requirements with respect to the discharge of sewage and other waste.

SEC. 10. Section 13054.1 of the Water Code is amended to read:

13054.1. Any person discharging sewage or other waste within any region, other than into a community sewer system, shall file with the regional board of that region a report of any material change or proposed change in the character, location or volume of the discharge. The regional board, after any necessary hearing, shall prescribe requirements or revised requirements as to the nature of such discharge with relation to the conditions existing from time to time in the disposal area or receiving waters upon or into which the discharge is made or proposed and notify the person making or proposing the discharge of its action. Such requirements may be revised from time to time. After receipt of such notice, the person so notified shall provide adequate facilities to meet any such requirements or revised requirements with respect to the discharge of sewage and other waste.

SEC. 11. Section 13054.3 of the Water Code is amended to read:

13054.3. (a) Each regional board, within its region, may specify certain conditions and locations where no direct discharge of sewage or other waste will be permitted.

(b) Each regional board, within its region, may prescribe requirements of the type specified in Section 13054, which shall be applicable to all indirect discharges of sewage from family dwellings within a designated area; provided that before adopting any such requirements, the regional board shall hold

a public hearing respecting the adoption of such requirements and on what the boundaries of the area to be affected by such requirements should be. The regional board shall publish notice of such hearing pursuant to Section 6066 of the Government Code and shall give notice by certified mail of such hearing to each landowner in the proposed area at his address as shown on the last equalized assessment roll.

Upon adoption, such requirements shall be enforceable, jointly and severally, against any discharger within the area designated who is in violation thereof.

SEC. 12. Section 13054.4 of the Water Code is amended to read:

13054.4. Any person failing to file a report, upon request of a regional or state board, as required in Section 13054 or 13054.1 is guilty of a misdemeanor. Each day of discharge of sewage or other waste within a region without compliance with the reporting requirements shall constitute a separate offense.

SEC. 13. Section 13054.5 of the Water Code is amended to read:

13054.5. Upon failure of any person or persons to file a report as required by Sections 13054 and 13054.1, a regional board may certify the facts to the district attorney for the county in which the discharge or proposed discharge does or will occur, and the district attorney shall petition the superior court in and for that county for the issuance of an injunction requiring such person or persons to file the required report and restraining such person or persons from discharging sewage or other waste within the region until the required report has been filed. In any such suit, the court shall have jurisdiction to grant, without requiring bond or other undertaking, such prohibitory and mandatory injunction, either preliminary or final, as the facts may warrant.

SEC. 14. Section 13055 of the Water Code is amended to read:

13055. A regional board may investigate any source of water pollution or nuisance within its region and may require that any person discharging sewage or other waste within the region furnish such technical or monitoring program reports as the board may specify.

Any person who has been required to make any such reports entailing a substantial expenditure of time or funds or which are not directly related to the appraisal of the existence or threat of pollution may, within 30 days of the determination of the regional board in the matter, appeal such determination to the state board. The state board shall determine the reasonableness and relationships of burdens and costs to benefit of such report and, within 60 days, shall affirm, modify, or annul the determination of the regional board. Pending such determination by the state board, the requirement to furnish the reports shall not be effective.

SEC. 15. Section 13060 of the Water Code is amended to read:

13060. When a regional board finds that the discharge of sewage or other waste within its region is taking place contrary to any requirements prescribed by the regional board under the provisions of Sections 13053, 13054, 13054.1, 13054.3, and 13055, and that such discharge is threatening to cause or is causing pollution or a nuisance, the board may issue an order to cease and desist and direct that those persons, firms, or corporations not complying with the requirements, comply forthwith.

SEC. 16. Section 13063 of the Water Code is amended to read:

13063. Upon failure of any person or persons to comply with any such cease and desist order of the board, the board issuing the order may certify the facts to the district attorney for the county in which the discharge originates or to the Attorney General if the district attorney declines to act. The district attorney or Attorney General, as the case may be, shall petition the superior court in and for that county for the issuance of an injunction restraining such person or persons from continuing the discharge in violation of the requirements. The court shall thereupon issue an order directing the person to appear before the court and show cause why the injunction should not be issued. Thereafter the court shall have jurisdiction of the matter, and proceedings thereon shall be conducted in the same manner as in any other action brought for an injunction pursuant to Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure.

The court shall receive in evidence the order of the board, evidence as to the validity and reasonableness of the board's requirements as previously established, and such further evidence as the court in its discretion deems proper.

SEC. 17. Section 230 of the Water Code is amended to read:

230 The department, either independently or in cooperation with any person or any county, state, federal, or other agency, or upon the request of the State Water Resources Control Board, to the extent funds are allocated therefor, shall conduct surveys and investigations relating to the reclamation of water from sewage or other wastes for beneficial purposes, including but not limited to the determination of quantities of such water presently wasted, and possibilities of use of such water for recharge of underground storage or for agricultural or industrial uses; and shall report to the Legislature and to the appropriate regional water quality control board thereon, annually.

SEC. 18. Section 230 of the Water Code, as amended by Assembly Bill No. 164 of the 1967 Regular Session, is amended to read:

230. The department, either independently or in cooperation with any person or any county, state, federal, or other

agency, or upon the request of the State Water Resources Control Board, to the extent funds are allocated therefor, shall conduct surveys and investigations relating to the reclamation of water from sewage or other wastes for beneficial purposes, including but not limited to the determination of quantities of such water presently wasted, and possibilities of use of such water for recharge of underground storage or for agricultural or industrial uses; and shall report to the Legislature and to the appropriate regional water quality control board thereon, annually.

SEC. 20. Section 13005.1 of the Water Code, as added by Assembly Bill No. 164 of the 1967 Regular Session, is amended to read:

13005.1. "Reclaimed waste waters" means waters containing sewage or other waste which have been treated or otherwise purified so as to enable direct beneficial reuse or to allow reuse that would not otherwise occur.

SEC. 21. Section 13015 of the Water Code, as added by Assembly Bill No. 163 of the 1967 Regular Session, is amended to read:

13015. There is in the State Water Resources Control Board a Water Quality Advisory Committee consisting of nine members appointed by the Governor and the chairman of each of the nine regional water quality control boards or his designee. Of the nine members selected by the Governor at least one shall be selected from qualified persons engaged in each of the following fields:

(a) Production and supply of domestic water.
(b) Irrigated agriculture.
(c) Industrial water use.
(d) Production of other waste.
(e) Public sewage disposal.
(f) City government.
(g) County government.
(h) Recreation and wildlife. The person engaged in this field shall be a person from a responsible organization associated with recreation or wildlife, not employed by any governmental agency.
(i) One member not specifically associated with any of the foregoing interests representing the public at large.

Insofar as practical, the Governor shall appoint members in such manner as to afford representation on the committee of all parts of the state.

Each member of the former State Water Quality Control Board shall serve as an original member of the advisory committee. Each of the original members shall serve for the term for which he was appointed to the state board. Thereafter, all members appointed to the advisory committee shall serve for a term of four years.

SEC. 22. Sections 18 and 20 of this act shall become operative only if Assembly Bill No. 164 is enacted into law by the

Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 164 takes effect, at which time Section 230 of the Water Code, as amended by Section 17 of this act is repealed.

CHAPTER 1448

An act to add Section 254.6 to the Revenue and Taxation Code, relating to the welfare exemption from property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 254.6 is added to the Revenue and Taxation Code, to read:

254.6. Homes for the aged making an application for the exemption from property taxation under Section 214, other than those making application for the first time after the first complete fiscal year of operation, shall, at the time of filing with the county assessor, file with the assessor a separate affidavit specifying the average number of residents of the home during the past fiscal year, the number of residents of the home receiving public assistance during the past fiscal year, and the number of residents of the home during the past fiscal year for whom charges levied by the home have been paid in whole or in part by private charitable contribution. This latter affidavit shall set forth the total amount of public assistance or of private charitable subsidy provided to the home, and shall be forwarded to the State Board of Equalization along with the affidavit or copy thereof required by Section 254.5. Failure by a home for the aged to comply with this section shall be ground for denial of the exemption granted under Section 214.

Homes for the aged making application for exemption from property taxation under Section 214 for the first time after the first complete fiscal year of operation shall, at the same time and in the same manner as they file the affidavits required for all homes for the aged which are applying for the property tax exemption, file a separate affidavit setting forth the following information:

(a) The sum of the actuarial annual equivalent of all life-care contracts of all home residents in effect during the fiscal year immediately preceding application by the home for exemption from property taxation under Section 214 of the Revenue and Taxation Code; and, for purposes of this section any entrance or admission fee, or any contribution in an amount less than thirty thousand dollars ($30,000), paid by a resident within one year prior to his entering the home to the

home or to any charitable or religious entity making financial contribution to the operation of the home, shall be treated as a life-care contract;

(b) The sum of the annual charges for services and care other than those described in subdivision (a), if any, paid by residents of such homes for the fiscal year immediately preceding application by the home for exemption from property taxation under Section 214 of the Revenue and Taxation Code;

(c) The average number of residents present in the home during the fiscal year immediately preceding application for exemption;

(d) The average number of residents receiving public assistance;

(e) The average number of residents during the past fiscal year for whom charges levied by the home have been paid in whole or in part by private charitable contribution or by the home itself;

(f) The total amount of home charges in excess of total public assistance received by residents of that home;

(g) The amount of private charitable contributions applied to meet charges levied by the home for residents unable to meet such charges from their own resources;

(h) The amount and the unexpired term of the encumbrances upon the home, other indebtedness of the home, and the amount of life-care reserves required by the Department of Social Welfare;

(i) A complete statement of the nature and quantity of services provided residents by the home.

SEC. 2. Homes for the aged which are exempt from property taxation under Section 214 of the Revenue and Taxation Code shall submit to the Department of Social Welfare on or before November 15, 1967, such data as is requested by the department including, but not limited to, the following:

(a) The sum of the actuarial annual equivalent of all life-care contracts of all home residents in effect during the fiscal year immediately preceding application by the home for exemption from property taxation under Section 214 of the Revenue and Taxation Code; and, for purposes of this section any entrance or admission fee, or any contribution in an amount less than thirty thousand dollars ($30,000), paid by a resident within one year prior to his entering the home to the home or to any charitable or religious entity making financial contribution to the operation of the home, shall be treated as a life-care contract:

(b) The sum of the annual charges for services and care other than those described in subdivision (a), if any, paid by residents of such homes for the fiscal year immediately preceding application by the home for exemption from property taxation under Section 214 of the Revenue and Taxation Code;

(c) The average number of residents present in the home during the fiscal year immediately preceding application for exemption;

(d) The average number of residents receiving public assistance;

(e) The average number of residents during the past fiscal year for whom charges levied by the home have been paid in whole or in part by private charitable contribution or by the home itself;

(f) The total amount of home charges in excess of total public assistance received by residents of that home;

(g) The amount of private charitable contributions applied to meet charges levied by the home for residents unable to meet such charges from their own resources;

(h) The amount and the unexpired term of the encumbrances upon the home, other indebtedness of the home, and the amount of life-care reserves required by the Department of Social Welfare;

(i) A complete statement of the nature and quantity of services provided residents by the home.

SEC. 3. 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 such necessity are:

Tax-exempt homes for the aged tend to locate in a few desirable areas of the state, and increasing numbers of these homes are seriously undermining the tax base of these areas. Legislation is urgently needed to return some of this lost tax money to local areas. The information required by this bill will enable the Legislature to develop legislation to accomplish this objective at an early time.

CHAPTER 1449

An act to add Section 12024.7 to the Business and Professions Code, relating to food weights.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 12024.7 is added to the Business and Professions Code, to read:

12024.7. Any person who sells meat directly to the consumer on the basis of primal cuts or carcass weight shall supply the buyer with an accurate statement of weight at time of sale of the carcass or primal cut purchased, and shall supply a complete and accurate statement which shall contain the weight of the meat delivered to the buyer and the number and type of cuts. When any fruits, vegetables, or other food products are sold as part of a combination sale with meat sold directly to the consumer on the basis of primal cuts or carcass weight, the seller shall supply an itemized statement showing the net quantity of any fruits, vegetables, and other

food products delivered to the buyer. This section shall also apply to any person who custom cuts any meat animal carcass or part of such carcass for the owner, except the carcass of any game mammal taken as authorized by the Fish and Game Code.

CHAPTER 1450

An act to amend Section 24755 of the Business and Professions Code, relating to the sale of alcoholic beverages.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 24755 of the Business and Professions Code is amended to read:

24755. (a) No package of distilled spirits which bears the brand, trademark or name of the owner or person in control shall be sold at retail in this state for consumption off the license premises unless a minimum retail price for such package first shall have been filed with the department in accordance with the provisions of this section.

(b) A price for each of such packages shall be in a minimum retail price schedule setting forth with respect to each package the exact brand, trademark or name, capacity, and type of package, type of distilled spirits, age and proof, where stated on the label, and the minimum selling price at retail. The price for any such package may be filed separately and differently for the trading area of southern California and the trading area of northern California. The trading area of southern California shall consist of the Counties of Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Bernardino, Imperial and San Diego. The northern California trading area shall consist of the other counties of the state. No more than one person shall file a schedule for the same package for the same trading area.

(c) Such schedule shall be filed by (1) the owner of the brand, if licensed in the state; (2) any licensee, other than a retailer, selling the brand and who is authorized in writing by the brand owner to file such schedule if the brand owner is not licensed in this state; (3) a manufacturer or rectifier licensed in this state and who bottles under the brand owned by a retailer; or (4) any licensee with the approval of the department, if the owner of the brand does not file or is unable to file a schedule or authorize a licensee other than a retailer to file such schedule.

(d) Schedules filed pursuant to this section may be amended, changed, or modified by filing such amendments, change, or modification with the department on or before the 15th day of any month to take effect on the first day of the second succeeding calendar month; except that prices filed for a

brand, size, or type not included in a schedule in effect at the time such brand, size, or type is filed, and prices filed to meet the price of a competitive brand, may be filed on or before the 15th day of any month to take effect on the first day of the following month. For the purpose of this section, a competitive brand shall mean any brand of the same type of distilled spirits having a filed selling price at retail within one dollar ($1) per gallon of the brand for which a competitive price is filed.

The department shall reject any price schedule which does not comply with this subdivision.

(e) A price schedule or amendment, change or modification thereof as provided for by this section shall be deemed filed when received, either by personal delivery or mail, at the headquarters office of the department in Sacramento. Upon such filing, a price schedule or amendment, change or modification thereof shall become a public record. Such filing of a price schedule or amendment, change or modification thereof shall constitute constructive notice of its contents to any licensee affected thereby.

(f) No off-sale licensee shall sell any package of distilled spirits at any price less than the effective filed price of such package unless written permission is granted by the department, for good cause shown and for reasons not inconsistent with this division.

(g) No retail licensee shall sell any package of distilled spirits as a loss leader. "Loss leader," as used in this section, means a sale below cost as such cost is defined in Sections 17026 to 17029, inclusive, of this code, except that a sale below cost made under the provisions of Section 17050 of this code shall not be deemed a loss leader sale.

(h) The provisions of this section shall not apply to:

(1) A closeout sale made in good faith and approved by the department when the following conditions exist: (i) the stock of distilled spirits sought to be closed out has been in this state, either in the possession of the vendor who sold it to the retailer or in the possession of the retailer who seeks to close out the brand, for a period of not less than six months; (ii) the stock of distilled spirits to be closed out was not brought into this state for the purpose of offering it, or any part of it, at a closeout sale; (iii) at least 10 days prior to filing a request with the department for approval to sell the stock at a closeout sale, the retailer had offered to return the distilled spirits, at his original invoice cost, to both the vendors from whom he purchased them or to his successor and to the licensee who filed the minimum price schedule under the provisions of this section; (iv) such offer of return was not accepted.

At the place of any closeout sale and upon any package of distilled spirits to be so sold and in any advertisement in con-

nection therewith, public notice shall be given of the sale as a closeout sale. Following the conclusion of a closeout sale, the retailer who conducted such sale shall not sell the same brands of distilled spirits for a period of at least one year.

(2) Sales made with the approval of the department when the distilled spirits or the package is damaged or deteriorated in quality and notice of this fact is given to the public at the place of any such sale and upon the package offered for sale and in any advertisement in connection therewith.

(3) Sales made by any officer acting under the orders of any court.

(4) Sales of distilled spirits for use in the manufacture or production of food products which are unfit for beverage use as provided in Section 23112, if such distilled spirits are sold to a person who holds a permit and identification number authorizing the filing of a claim for drawback of federal distilled spirits excise taxes under the Federal Non-Beverage Drawback Regulations.

(i) A minimum retail price schedule containing a minimum retail price for each package of any brand of beer may be filed under the provisions of this chapter by the person in control of such brand and when so filed, the provisions of this chapter and any rules adopted by the department for the administration of the provisions of this chapter shall apply to the sale of packages of such brand of beer.

(j) The department shall adopt rules whereunder minimum retail prices of distilled spirits will be made available to licensees; means of making such prices available may include, but need not be limited to, publication in trade journals or industry price books of general circulation among retail licensees in this state, or in parts or trading areas of this state.

CHAPTER 1451

An act to amend Section 4534 of the Agricultural Code as proposed by Senate Bill No. 1, relating to district agricultural association fairs and other fairs.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 4534 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

4534. The committee may investigate, study, and analyze any or all facts and matters relating to the operation and financing of fairs which are subject to this division and the effect and operation of the laws relating thereto.

CHAPTER 1452

An act to create a Farm Labor Service Citizens Commission to study the Farm Labor Service.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares as follows: Agriculture is the largest industry in the State of California and is reliant upon an adequate supply of competent labor. Further, the agricultural industry is highly competitive with that of other states and other countries, some of which have labor cost advantages, and is undergoing an accelerated transition to mechanization, with the accompanying changes in requirements for labor with different skills. Therefore there is a need to reorganize the Farm Labor Service of the California Department of Employment under these circumstances to satisfy the needs of agricultural employers and employees within the framework of existing federal law and regulations.

SEC. 2. There is in the state government a Farm Labor Service Citizens Commission of 12 members, of whom six members shall be appointed by the Governor, three members shall be appointed by the Senate Committee on Rules, and three members shall be appointed by the Speaker of the Assembly, such appointments to be made in a manner as to reflect the crop and geographical diversity of California agriculture.

SEC. 3. (a) Each member of the commission shall be entitled to receive his actual necessary expenses while on official business of the commission.

(b) The commission shall select from its membership a chairman and vice chairman.

SEC. 4. The commission shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter, including, but not limited to, the following:

(a) To use such administrative, technical and other personnel of the Department of Employment as may be necessary for the performance of its powers and duties.

(b) To hold hearings, make and sign any agreements and to do or perform any acts which may be necessary, desirable or proper to carry out the purposes of this chapter.

(c) To cooperate with, and secure the cooperation of, any department, division, board, bureau, commission, or other agency of the state to facilitate it properly to carry out its powers and duties hereunder.

SEC. 5. The commission shall study the operation of the Farm Labor Service in California and in other states and draw upon the recommendations of the Farm Labor Service in California and those persons in the federal service who are knowledgeable in this area in the development of goals, or-

ganization and procedures for the Farm Labor Service in California and to report thereon to the Governor not later than January 15, 1968.

SEC. 6. This act shall be operative only until January 15, 1969.

CHAPTER 1453

An act to add Section 123.5 to the Labor Code, relating to workmen's compensation.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 123.5 is added to the Labor Code, to read:

123.5. Referees employed by the administrative director pursuant to this chapter shall be taken from an eligible list of attorneys, having the qualifications prescribed by the State Personnel Board. In establishing eligible lists for this purpose, state civil service examinations shall be conducted by the State Personnel Board on a nonpromotional basis.

CHAPTER 1454

An act to amend Sections 20205.5, 20458, 20605, 20607.8, 20609, 20685, 20804.5, 21207, 21251.1, and 21253 of, and to repeal Sections 20305, 20306, 20362, and 20459 of, the Government Code, relating to the state retirement system.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 20205.5 of the Government Code is amended to read:

20205.5. The board may invest the money in the retirement fund in real property or improvements thereon or to be constructed thereon when such real property or improvements are acquired or to be made by or for sale or lease to the state or a public agency. The board may acquire such real property under the provisions of the Property Acquisition Law. Title to real property acquired by or on behalf of the board pursuant to this section or under the Property Acquisition Law shall be vested in the board. The Director of General Services on behalf of the state may hire or lease as lessee real property or improvements acquired hereunder for lease to the state. Such lease may contain an option or options to purchase said

property, or a provision that title to said property shall vest in the state at the expiration of said term, and the Director of General Services is authorized to acquire such property. The board also may invest such money in any valid special obligations of the state or a public agency or an agency of either issued to finance a public building and secured solely by such building or revenues, rentals or receipts received from operation of such building. This section shall not be construed as authorization to acquire any real property or improvements thereon or to issue any obligation to finance such acquisition on behalf of the state unless such acquisition is authorized by a separate act or appropriation enacted by the Legislature.

SEC. 2. Section 20305 of the Government Code is repealed.

SEC. 3. Section 20306 of the Government Code is repealed.

SEC. 4. Section 20362 of the Government Code is repealed.

SEC. 5. Section 20458 of the Government Code is amended to read:

20458. The governing body shall not include in this system any group if a majority of its members voted to disapprove the proposed plan or if two-thirds of those of its members who are also members of an existing local retirement pension or annuity fund or system do not vote for approval of the proposed plan. If there are no members of any group when the election is held, the governing body may include the group in this system, and members subsequently entering the group shall become members of the system under the provisions of this part.

SEC. 6. Section 20459 of the Government Code is repealed.

SEC. 7. Section 20605 of the Government Code is amended to read:

20605. For each local miscellaneous member not subject to Section 21251.1 of this part, the normal rate of contribution shall be such as on the average will provide an annuity at age 65 equal to one one hundred-fortieth of his final compensation, for each year of current service according to the tables adopted by the board. The rate of contribution of each local miscellaneous member subject to said Section 21251.1 shall be the same as if he were a state miscellaneous member.

SEC. 8. Section 20607.8 of the Government Code is amended to read:

20607.8. For each local safety member who is a police officer, and who became such a member of this system, or, if entitled to credit for prior service, who entered police service at or below age 45, the normal rate of contribution shall be such as will provide, on the average, a service retirement annuity at age 50, or upon completion of 20 years of service at an age higher than 50 years, equal to one-fourth of his final compensation less one-half of his prior service pension (assumed for this purpose to be based on the full prior service formula applicable to his classification), it being the intention that the retirement allowances of such members, upon retirement at age 50 or such higher age, shall be, on the average, one-half of their final compensations, respectively.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section and of Sections 20952.8 and 21252.8 by amendment to its contract made in the manner prescribed for approval of contracts, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

Whenever this section becomes applicable to the employees of any contracting agency, as to those members to whom it applies it shall supersede the provisions of Section 20607.

SEC. 9. Section 20609 of the Government Code is amended to read:

20609. The normal rate of contribution for a member who is credited with service in any membership category in which his current service pension will be calculated under Section 21252.1, 21252.10, 21252.2, 21252.3, 21252.4, 21252.6 or 21252.8, and who reenters state service in the same or another such category shall be based on the age upon which his normal rate of contribution for the preceding period of such credited service was based, increased by the number of years of any intervening absence from such category, and shall be such as will provide on the average a service retirement annuity at normal retirement age for the category entered or the later completion of 20 years' service equal to one-fourth of final compensation less one-half of the prior service pension and less than total percentage of final compensation which his contributions for such credited service were calculated to provide. In no event shall the normal rate of contribution provided under this section be such as will provide on the average a service retirement annuity in excess of 1¼ percent of final compensation for each year of current service.

If, upon any such reentry into state service, the member's current service pension for service thereafter will be calculated under Section 21252.5, the normal rate of contribution thereafter shall be such as will provide on the average a service retirement annuity at age 60 equal to five-eighths of 1 percent of his final compensation for each year of current service which would be applicable toward the benefit formula set forth in Section 21252.5. The amendment to this section at the 1965 General Session shall apply only to the rate of a member who reenters state service on or after October 1, 1965.

SEC. 10. Section 20685 of the Government Code is amended to read:

20685. If a basic death benefit has become or becomes payable before the payment of the total amount the member elected to pay under any election with respect to normal contributions permitted under this part, the member's entire compensation, or the service upon which that total amount was based, as the case may be, shall be included in the computation of the portion of the death benefit which is provided in sub-

division (b) of Section 21361. and the unpaid balance of the total amount shall not be paid to this system, nor shall it be included in the member's accumulated contributions which constitute a part of the basic death benefit. Any balance of any such total amount remaining unpaid at the death of the member on account of which a special death benefit is payable or at the retirement of a member for industrial disability shall become due and payable forthwith and if not paid, the portion of such unpaid amount representing contributions on compensation earned in the membership applicable to the member at the time of injury resulting in death shall be deducted from the benefit otherwise payable and the system shall be discharged from any liability for any annuity or benefit with respect to any remainder of such unpaid contribution. Any such balance at the time of retirement for service or ordinary disability, or at death, with respect to which a benefit is payable under Section 21365.5 shall become due and payable forthwith, and if it is not paid the service credit included in the election shall be reduced proportionately and any prior service dependent on completion of payments eliminated for purposes of computing the allowance but not for purposes of determining entitlement to an allowance.

SEC. 11. Section 20804.5 of the Government Code is amended to read:

20804.5. Any member shall receive current service credit for time which was spent by him in employment of the state or a contracting agency (a) while not a member of this system but after persons employed in his status were eligible for membership in this system, or (b) while excluded from membership because serving on a part-time basis or because of his failure to exercise his right of election of membership under Section 20360, 20361 or 20364 of this code, or (c) while excluded from membership in an employment in which persons since have become eligible for membership and which is not creditable to him under other provisions of this part, if, at any time prior to retirement, he elects to pay, and pays, into the retirement fund, by lump sum payment or by installments over a period not to exceed 60 months subject to minimum payments fixed by the board, normal contributions for such time computed by applying the rate of contribution applicable to him at the time he first became a member of this system after the period to be credited as service to the compensation earnable by him at that time, together with interest on such contributions or on the unpaid balance if such contributions are paid by installments, from October 1, 1953, or from the date on which he first became a member of this system after the period to be credited as service, whichever is later, until paid.

SEC. 12. Section 21207 of the Government Code is amended to read:

21207. If any person entitled to a benefit from this system is a minor who has no guardian of his estate, the board, within

the limits as to amount of payment and value of the minor's estate specified as of the time of payment in the provisions of the Probate Code authorizing payment to the parent of a minor entitled to his custody, may pay it to the person entitled to the custody of the minor to hold for the minor, if the person files with the board his verified statement that the total estate of the minor does not exceed the value so specified. Payment so made is a full discharge of the board and this system. The person shall account to the minor for the money when the minor reaches the age of majority.

SEC. 13. Section 21251.1 of the Government Code is amended to read:

21251.1. The current service pension for a state miscellaneous member, for a prison member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section, upon retirement at age 60, is a pension derived from the contributions of the state, or of the contracting agency, sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of his retirement, to equal one-sixtieth of his final compensation multiplied by the number of years of current service, except service in a category of membership other than that of a state miscellaneous member, prison member, or local miscellaneous member, with which he is entitled to be credited at retirement.

If such a member retires before attaining age 60 or after attaining age 60 and prior to attaining age 65, the current service pension shall be adjusted to that amount which the value of the pension as of age 60 will purchase at the actual age at retirement on the basis of the interest rates and mortality tables used under the system with respect to such member at the time of his retirement. If such a member retires after attaining age 65, the current service pension shall be adjusted to that amount which the value of the pension as of age 60 would have purchased at age 65 on the basis of said interest rates and mortality tables.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendments to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 14. Section 21253 of the Government Code is amended to read:

21253. The prior service pension for a state miscellaneous member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section, is an annual pension derived from the

contributions of the state, or of the contracting agency, equal to the sum of the following:

(a) The fraction of one-sixtieth of his final compensation applicable to computation of his current service pension multiplied by the number of years of prior service, except service in a category of membership other than that of a state miscellaneous, local miscellaneous or prison member, with which he is entitled to be credited at retirement.

(b) In respect to prior service consisting of service other than as a state miscellaneous, local miscellaneous or prison member, the pension computed pursuant to the provisions for computation of prior service of members of the category in which the prior service was rendered.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

CHAPTER 1455

An act to amend Sections 22754, 22810, 22814, 22816, 22825 and 22840 of, to add Sections 22831, 22832, and 22842 and to add Article 7 (commencing with Section 22850) to Chapter 1 of Part 5 of Division 5 of Title 2 of the Government Code, relating to coverage under the Meyers-Geddes State Employees' Medical and Hospital Care Act and making an appropriation therefor.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 22754 of the Government Code is amended to read:

22754. As used in this part the following definitions, unless the context otherwise requires, shall govern the interpretation of terms.

(a) "Board" means the Board of Administration of the State Employees' Retirement System.

(b) "Employee" means any officer or employee of the State of California or of any agency, department, authority, or instrumentality of the state including the University of California, or any officer or employee who is a member of the State Employees' Retirement System pursuant to a contract, of a contracting agency subject to this part, except persons em-

ployed on an intermittent, irregular or less than half-time basis, or employees similarly situated, or employees in respect to whom contributions by the state for any type of plan or program offering prepaid hospital and medical care are otherwise authorized by law.

(c) "Carrier" means a private insurance company holding a valid outstanding certificate of authority from the Insurance Commissioner of the state, a medical society or other medical group, a nonprofit hospital service plan qualifying under Chapter 11A (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code, or nonprofit membership corporation lawfully operating under Section 9200 or Section 9201 of the Corporations Code, which is lawfully engaged in providing, arranging, paying for, or reimbursing the cost of personal health services under insurance policies or contracts, medical and hospital service agreements, membership contracts, or the like, in consideration of premiums or other periodic charges payable to it.

(d) "Health benefits plan" means a group insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar group arrangement provided by a carrier for the purpose of providing, arranging, paying for, or reimbursing the cost of basic hospital and medical care and for major medical or other comprehensive benefit plans for employees and annuitants who are also covered under basic plans.

(e) "Annuitant" means:

(1) Any person who has retired while an employee and who receives any retirement allowance under any state or University of California retirement system to which the state was a contributing party.

(2) A family member receiving an allowance as the survivor of an annuitant who has retired as provided in subdivision (1), or as the survivor of a deceased employee under Sections 21364, 21365.5 or 21382 of this code or similar provisions of any other state retirement system.

(f) "Family member" means an employee's or annuitant's spouse and any unmarried child (including an adopted child, a stepchild, or recognized natural child who lives with the employee or annuitant in a regular parent-child relationship). The board shall, by regulation, prescribe age limits and other conditions and limitations pertaining to unmarried children.

(g) "Employee organization" means an association or other organization of employees in which membership is open to employees or annuitants of the state, and which is not organized solely or principally for the purpose of obtaining prepaid hospital and medical care.

(h) "Contracting agency" means any contracting agency as defined in Section 20010, other than a school district or a county superintendent of schools.

(i) "Employer" means the state and any contracting agency employing an employee.

SEC. 2. Section 22810 of said code is amended to read:

22810. An employee or annuitant may, in the manner, and under such eligibility rules as the board may by regulation prescribe, enroll in an approved health benefits plan, either as an individual or for self and family, except that an employee of a contracting agency, or an annuitant who retired while such an employee or is the beneficiary of such an employee, may enroll only in a health benefits plan for which the board has contracted. The regulations may provide for the exclusion of employees on the basis of the nature and type of their employment or conditions pertaining thereto, such as, but not limited to, short term appointments, seasonal or intermittent employment, and employment of a like nature, but no employee or group of employees shall be excluded solely on the basis of the hazardous nature of the employment. Any such enrollment shall authorize the deduction of the contributions required under this part from the employee's or annuitant's salary or retirement allowance.

Any annuitant who, at the time he became an annuitant was enrolled in a health benefits plan, may continue his enrollment as provided by regulations of the board, without discrimination as to premium rates or benefit coverage.

The board shall, by rule and regulation, make such provision as it deems necessary to eliminate or minimize the impact of adverse selection which would affect any plans approved or contracted for, because of enrollment of annuitants.

SEC. 3. Section 22814 of said code is amended to read:

22814. An employee enrolled in a health benefits plan who is removed or suspended without pay and later reinstated or restored to duty on the ground that such removal or suspension was unjustified, unwarranted or illegal shall not be deprived of coverage or benefits for the interim, but any contributions otherwise payable by the employer which were actually paid by him shall be restored to the same extent and effect as though such removal or suspension had not taken place, and any other equitable adjustments necessary and proper under the circumstances shall be made in premiums, subscription charges, contributions and claims.

SEC. 4. Section 22816 of said code is amended to read:

22816. An employee enrolled in a health benefits plan under this part who is granted a leave of absence without pay under the State Civil Service Act and the rules of the State Personnel Board, or other comparable leave, shall be entitled to have his coverage and the coverage of any family members continued for the duration of the leave of absence upon his application, but only upon assuming payment of the contributions otherwise required of the employer on account of his enrollment.

SEC. 5. Section 22825 of said code is amended to read:

22825. The employer and each employee or annuitant shall contribute a portion of the cost of providing for each employee

and annuitant the benefit coverage afforded under any health benefit plan which the board has approved or for which it has executed a contract pursuant to this part, and in which the employee or annuitant may be enrolled.

The employer's contribution shall be the amount necessary to pay the cost of a basic health benefits plan, or six dollars ($6) per month for each employee or annuitant, whichever is the lesser; provided, however, that there shall be only one such contribution with respect to all annuitants receiving allowances as survivors of the same employee or annuitant. The employer's contribution to the basic health benefits plan to each employee shall commence on the first day of the calendar month next following the completion of six months of employment by the employer; provided the employment has not been interrupted by a break of more than one month, except that absence for military service shall not be considered a break.

The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him under the plan less the portion thereof to be contributed by the employer.

SEC. 6. Section 22831 is added to said code, to read:

22831. Each contracting agency shall contribute to the State Employees' Contingency Reserve Fund, an amount sufficient to bear all the administrative costs incurred by the board in providing to the employees and annuitants of such agency the health benefits provided by this part. The amount of the contributions required by this section shall be determined by the board, and may include an appropriate share of overhead costs of the program. Such contracting agency shall in addition contribute to said fund for each of its employees and annuitants the same amount as is required of the state under subdivision (2) of Section 22826.

SEC. 7. Section 22832 is added to said code, to read:

22832. The contributions required of a contracting agency, along with contributions withheld from salaries of its employees, shall be forwarded monthly, no later than the 10th day of the month for which the contribution is due, and shall be deposited in the State Employees' Contingency Reserve Fund.

SEC. 8. Section 22840 of said code is amended to read:

22840. For all plans which the board has approved or entered into a contract, there shall be maintained in the State Treasury a State Employees' Contingency Reserve Fund to which shall be credited, from time to time as determined by the board, amounts determined by the board and contributed under Section 22826 to provide an adequate contingency reserve. The income derived from any dividends, rate adjustments, or other refunds by a plan shall be credited to the fund.

The board may invest funds in the State Employees' Contingency Reserve Fund in accordance with the provisions of law governing its investment of the Retirement Fund.

The State Employees' Contingency Reserve Fund may be utilized to defray increases in future rates, to reduce the contributions of employees and annuitants and the employers, or to increase the benefits provided by any plan to the extent that amounts in the account are derived from that plan, as determined from time to time by the board. Said fund is appropriated for such purposes to the extent of all amounts credited to it other than the employers' contribution for administrative expenses, and for administrative expense to the extent of the employers' contribution for such purpose.

The total credited to the State Employees' Contingency Reserve Fund at any time, for all purposes other than administrative expense, shall be limited, in the manner and to the extent the board may find to be most practical, to a maximum of 10 percent of the total of the contributions of the employers and employees and annuitants in any fiscal year. The board may undertake such action as will insure that the maximum amount prescribed for the fund is approximately maintained.

Board rules adopted pursuant to Section 22810 to minimize the impact of adverse selection because of enrollment of annuitants may provide for deposit in and disbursement to carriers from the State Employees' Contingency Reserve Fund of such portion of the contributions otherwise payable directly to the carriers by the Controller under Section 22841 as may be required for such purpose. The fund is appropriated for such purpose in addition to the other purposes specified in this section. Such deposits shall not be included in applying the limitations, prescribed in this section, on total amounts which may be deposited in or credited to the fund.

SEC. 9. Section 22842 is added to said code, to read:

22842. Contributions of employees and annuitants of contracting agencies, and contributions of such employer not credited to the State Employees' Contingency Reserve Fund for purposes specified in Section 22826, shall be utilized for payment of premiums and other charges required to be paid to carriers, and said fund is continuingly appropriated for such purpose to the extent of such contributions. Such amounts shall be suitably identified and remitted monthly to the carriers by warrant of the State Controller upon claims filed by the board.

SEC. 10. Article 7 (commencing with Section 22850) is added to Chapter 1 of Part 5 of Division 5 of Title 2 of the Government Code, to read:

Article 7. Extension of Benefits to Employees of Local Agencies Contracting With the State Employees' Retirement System

22850. A contracting agency and its employees and annuitants shall be subject to this part upon the filing with the

board of a resolution of its governing body electing to be so subject. The resolution shall be adopted by a majority vote and shall be filed on or before July 1 of any year to be effective on the beginning date of the next contract term.

22851. A contracting agency subject to this part shall perform such function in enrollment of its employees and submit such necessary reports as may be required by the board.

22852. Notwithstanding any other provision of this part to the contrary, an employee or annuitant of a contracting agency shall not be enrolled in a health benefits plan under this part at any time while he is covered under any plan or program offering prepaid hospital and medical care maintained by the contracting agency or to which such agency makes any contribution on behalf of its employees or annuitants.

22853. A contracting agency which has elected to be subject to this part may elect to cease to be so subject by resolution adopted by a majority vote of its governing body and filed with the board on or before August 1 of any year, to be effective at the end of the current contract term. Coverage of its employees and annuitants shall terminate on that date.

22854. The board may by resolution terminate the participation of a contracting agency if it fails for three months after demand by the board to perform any act required by this part or board rules.

SEC. 11. There is hereby appropriated from the Contingency Reserve Fund thirty-two thousand dollars ($32,000) or as much thereof as may be necessary for costs of administration during the fiscal year 1967–68. The amount expended pursuant to this appropriation shall be repaid to the Contingency Reserve Fund by the agencies which contract for coverage pursuant to the provisions of this act during the first two years following its effective date.

CHAPTER 1456

An act to add Section 13112.5 to the Water Code, relating to water.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 13112.5 is added to the Water Code, to read:

13112.5. It is the policy of this state that, in making construction loans under this article, the state board should give special consideration to facilities proposed to be constructed by public agencies in areas in which further construction of buildings has been halted by order of the Department of Pub-

lic Health or a local health department, or both, or notice has been given that such an order is being considered; provided, however, that each of the public agencies designated in this section shall otherwise comply with all of the other provisions of this chapter.

SEC. 2. This act shall become operative only if Assembly Bill No. 164 is enacted into law by the Legislature at its 1967 Regular Session.

CHAPTER 1457

An act to add Section 6256 to the Education Code, Section 2059 to the Unemployment Insurance Code, and Chapter 2.5 (commencing with Section 10650) to Part 2 of Division 9 of the Welfare and Institutions Code, relating to vocational education and employment services.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 6256 is added to the Education Code, to read:

6256. For the purpose of implementing the program set forth in Chapter 2.5 (commencing with Section 10650) of Part 2 of Division 9 of the Welfare and Institutions Code, funds available may be used to provide vocational education services to present and potential recipients of public assistance, to the extent permitted by federal law.

SEC. 2. Section 2059 is added to the Unemployment Insurance Code, to read:

2059. For the purpose of implementing the program set forth in Chapter 2.5 (commencing with Section 10650) of Part 2 of Division 9 of the Welfare and Institutions Code, the department may utilize funds available to provide training and placement for present and potential recipients of public assistance to the extent permitted by federal law.

SEC. 3. Chapter 2.5 (commencing with Section 10650) is added to Part 2 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 2.5. REHABILITATION AND EMPLOYMENT COORDINATION

10650. It is hereby declared that the solution and prevention of individuals and families who could otherwise be productive and self-supporting members of society from becoming or remaining public assistance recipients is a matter of statewide concern. The Administrator of the Health and Welfare Agency shall have full power to direct, supervise, and coordinate all services provided by the state departments of the

Health and Welfare Agency which relate to this matter, as necessary to achieve the purposes of this chapter.

10651. The purposes of this chapter are as follows:

(a) To combat poverty and reduce dependency by placing special attention and emphasis on the training, rehabilitation, and employment of present and potential recipients of public assistance and to prevent their future unemployment;

(b) To combine and coordinate all state services and programs relating to vocational education, vocational rehabilitation, and employment for public assistance recipients;

(c) To avoid duplication and fragmentation of training, rehabilitation, and employment services, and provide the most effective services possible, on behalf of public assistance recipients.

10652. The State Department of Social Welfare and the State Department of Rehabilitation, acting jointly, shall select public assistance recipients who show potential for rehabilitation to receive rehabilitation services pursuant to this chapter.

The two departments shall enter into a statewide agreement for the purpose of implementing the provisions of this section.

10653. The county department shall be responsible for the initial selection of public assistance recipients who are to participate in training, vocational educational programs, or other employment preparation programs that are developed pursuant to the provisions of this chapter. The county department shall have primary responsibility for providing those services which will prepare recipients for the specific vocational training and employment placement services offered by the State Departments of Employment, Education, Rehabilitation, and any other state or federal agencies offering specialized programs to upgrade the capacity of recipients and potential recipients to improve their capacity for self-support or self-direction. The services provided by the county department shall be geared to complement those services offered by state and federal agencies to the end that recipients of public assistance receive and participate in such programs to the fullest extent of their capacity.

10654. The Division of Vocational Education of the State Department of Education shall have primary responsibility for the education and training of public assistance recipients. The Administrator of the Health and Welfare Agency shall through the State Department of Employment work with the State Department of Education to develop vocational education programs which will meet the particular requirements and needs of recipients of public assistance whenever it is determined that such special programs will substantially improve such recipients' capacity to achieve self-support or self-direction. The State Department of Employment shall determine the kinds, quality, and number of persons requiring such education.

10655. The State Department of Employment shall have primary responsibility for placement and other employment services for public assistance recipients.

10656. The provisions of this chapter shall be implemented to the full extent of funds available for such purposes.

CHAPTER 1458

An act to amend Section 441 of, and to repeal Section 450 of, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 441 of the Revenue and Taxation Code is amended to read:

441. Every person owning taxable personal property having an aggregate cost of thirty thousand dollars ($30,000) or more, other than household furnishings and personal effects, shall file a written property statement, reporting such other property. Every person owning personal property which does not require the filing of a written property statement or real property shall upon request of the assessor file a written property statement.

Household furnishings and personal effects shall not include boats, aircraft, motor vehicles or personal property held or used in connection with a trade, profession, or business enterprise.

(a) The property statement shall be filed under oath with the assessor between the lien date and 5 p.m. on the last Monday in May, annually, and within such time as the assessor may appoint.

If the assessor appoints a time other than the last Monday in May, it shall be no earlier than April 1.

No late filing penalty shall apply unless:

(1) The property statement is filed after April 1;

(2) The assessor has given notice by certified or registered mail no earlier than 15 days after the time appointed by the assessor; and

(3) The property statement has not been filed with the assessor within 15 days following the date of receipt of such notice.

(b) The property statement may be filed with the assessor through the United States mail, properly addressed with postage prepaid. This subdivision shall be applicable to every taxing agency, including but not limited to, a chartered city and county, or chartered city.

(c) In the case of a corporate owner of property, the property statement shall be signed either by an officer of the corporation or an employee or agent who has been designated in writing by the board of directors to sign such statements on behalf of the corporation.

(d) At any time, as required by the assessor for assessment purposes, every person shall make available for examination information or records regarding his property. In this connection details of property acquisition transactions, construction and development costs, rental income, and other data relevant to the determination of an estimate of value are to be considered as information essential tc the proper discharge of the assessor's duties.

(e) The assessor may refuse to accept any property statement he determines to be in error.

SEC. 2. Section 450 of the Revenue and Taxation Code is repealed.

CHAPTER 1459

An act to repeal Section 28 of Chapter 63 of the Statutes of 1966, First Extraordinary Session, relating to time limitation on the State Guaranteed Loan Program.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 28 of Chapter 63 of the Statutes of 1966, First Extraordinary Session, is repealed.

CHAPTER 1460

An act to amend Section 12923 of the Water Code, relating to ground water basin protection.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 12923 of the Water Code is amended to read:

12923. It is the intention of the Legislature that the department shall, whenever money has been appropriated for the purpose, initiate or participate in investigations, studies, plans and design criteria for construction of any project, or projects, deemed by the department to be practical, economically feasible and urgently needed to accomplish the purposes of this chapter.

It is the further intention of the Legislature that upon the submission by any local agency, or agencies, to the department of plans and design criteria for any project, or projects, a review, evaluation and any necessary revision of such plans and design criteria shall be made by the department to insure that construction of such project, or projects, will accomplish the purposes of this chapter.

It is the further intention of the Legislature that where a local agency, or agencies, has duly instituted a project, the department may provide technical assistance to the local agency. Any participation by the department shall be pursuant to a cooperative agreement between the department and local agency which clearly outlines the area of participation, the reporting procedure, and the maximum limitation upon cost. Funds for the technical assistance provided under this section shall be as set forth in the cooperative agreement with substantial participation or cost sharing, or both, by the local agency.

CHAPTER 1461

An act to add Section 31664.65 to the Government Code, relating to the county employees' retirement system.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 31664.65 is added to the Government Code, to read:

31664.65. If a member retires with credit for time during which he was not a safety member or a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part, he shall receive for such time:

(a) A retirement allowance calculated pursuant to Section 31664.01 for time during which he was employed principally in active law enforcement or active fire suppression as described in Section 31470.2 or Section 31470.4 by a county, or by a district or court organized or existing within such county, or was a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part, plus a retirement allowance calculated under either (b) or (c) of this section, whichever is applicable.

(b) A retirement allowance calculated pursuant to Section 31664.01 for all prior county service with such county, and for any public service credit for which the member has elected to receive pursuant to Sections 31641.1 or 31641.5.

This subdivision shall apply only to a member who, when the board of supervisors pursuant to Section 31695.1 provides that provisions of this chapter relating to safety members shall apply to all employees of the county whose principle

duties consist of active law enforcement or active fire suppression as defined in Sections 31470.2 or 31470.4, was employed by the county principally in active law enforcement or active fire suppression as defined by such sections and who elected to be included within such safety member provisions at the time and in the manner prescribed by Section 31695.2.

(c) A retirement allowance calculated pursuant to Article 8 of this chapter for time during which he was not engaged principally in active law enforcement or active fire suppression as described in Section 31470.2 or Section 31470.4, nor a member of a system established pursuant to either Chapter 4 or Chapter 5 of this part.

This subdivision shall apply to any member to whom subdivision (b) is not applicable.

The provisions of this section shall be applicable irrespective of whether a member is, at the time of retirement, a safety member or a general member.

The provisions of this section shall supersede the provisions of Section 31664.6.

CHAPTER 1462

An act to amend Section 110 of the Labor Code, relating to the Workmen's Compensation Appeals Board.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 110 of the Labor Code is amended to read:

110. As used in this chapter:

(a) "Appeals board" means the Workmen's Compensation Appeals Board. The title of a member of the board is "commissioner."

(b) "Administrative director" means the Administrative Director of the Division of Industrial Accidents.

(c) "Division" means the Division of Industrial Accidents.

CHAPTER 1463

An act to amend the heading of Article 3 (commencing with Section 6730), Chapter 7, Division 3 of, to amend Sections 6730, 6737.1, 6738, 6740, 6756.2, and 6787 of, and to add Sections 6702.1, 6702.2, 6730.1, 6734.1, 6734.2, 6737.2, 6737.3, 6737.4, and 6747 to, the Business and Professions Code, relating to engineers.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 6702.1 is added to the Business and Professions Code, to read:

6702.1. "Electrical engineer" as used in this chapter means professional engineer in the branch of electrical engineering and refers to one who practices or offers to practice electrical engineering in any of its phases.

SEC. 2. Section 6702.2 is added to the Business and Professions Code, to read:

6702.2. "Mechanical engineer" as used in this chapter means professional engineer in the branch of mechanical engineering and refers to one who practices or offers to practice mechanical engineering in any of its phases.

SEC. 3. The heading of Article 3 (commencing with Section 6730) Chapter 7, Division 3 of the Business and Professions Code is amended to read:

Article 3. Application of Chapter

SEC. 4. Section 6730 of the Business and Professions Code is amended to read:

6730. In order to safeguard life, health, property and public welfare, any person, either in a public or private capacity, except as in this chapter specifically excepted, who practices, or offers to practice, civil engineering, electrical engineering or mechanical engineering, in any of its branches in this state, shall submit evidence that he is qualified to practice, and shall be registered accordingly as a civil engineer, electrical engineer or mechanical engineer by the board.

SEC. 5. Section 6730.1 is added to the Business and Professions Code, to read:

6730.1. Any person registered prior to June 30, 1968, or any person who has been granted permission to use the title "consulting engineer" prior to the effective date of this section, who submits proof satisfactory to the board that he has practiced for five years as a mechanical or electrical engineer, either self-employed or as an employee of an employer receiving wages or salary, shall be permitted to be registered in one or both of these branches.

SEC. 6. Section 6734.1 is added to the Business and Professions Code, to read:

6734.1. Any person practices electrical engineering within the meaning of Section 6730 when he professes to be an electrical engineer or is in responsible charge of electrical engineering work other than as an employee of an employer and receiving wages or salary for such work.

SEC. 7. Section 6734.2 is added to the Business and Professions Code, to read:

6734.2. Any person practices mechanical engineering within the meaning of Section 6730 when he professes to be a mechanical engineer or is in responsible charge of mechanical engineering work other than as an employee of an employer and receiving wages or salary for such work.

SEC. 8. Section 6737.1 of the Business and Professions Code is amended to read:

6737.1. This chapter does not prohibit the preparation of plans, drawings, specifications, estimates, or instruments of service by any person not registered as a civil, electrical or mechanical engineer for:

(a) Single or multiple dwellings not more than two stories and basement in height.

(b) Garages or other structures appurtenant to buildings described under subdivision (a) of this section.

(c) Farm or ranch buildings.

(d) Any one-story building where the span between bearing walls does not exceed twenty-five (25) feet; provided, however, that the exemption in this subdivision does not apply to a steel frame or concrete building.

SEC. 9. Section 6737.2 is added to the Business and Professions Code, to read:

6737.2. Nothing in this chapter shall prohibit a civil engineer, registered under the provisions of this chapter, from practicing or offering to practice any engineering in connection with or supplementary to civil engineering studies or activities as defined in Section 6731.

SEC. 10. Section 6737.3 is added to the Business and Professions Code, to read:

6737.3. For the purpose of this chapter a contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3, is exempt from the provisions of this chapter relating to the practice of electrical or mechanical engineering so long as the services he holds himself out as able to perform or does perform, which services are subject to the provisions of this chapter, are performed on behalf of the contractor by, or under the responsible supervision of a registered electrical or mechanical engineer insofar as the electrical or mechanical engineer practices the branch of engineering for which he is registered.

SEC. 11. Section 6737.4 is added to the Business and Professions Code, to read:

6737.4. This chapter does not prohibit a contractor, licensed under Chapter 9 (commencing with Section 7000) of Division 3, while engaged in the business of contracting, from designing electrical or mechanical systems or facilities as otherwise permitted by law for work to be performed and supervised by such contractor within the classification for which his license is issued, or from preparing electrical or mechanical shop or field drawings for work which he has contracted to perform.

SEC. 12. Section 6738 of the Business and Professions Code is amended to read:

6738. (a) This chapter does not prohibit one or more civil, electrical or mechanical engineers from practicing or offering to practice within the scope of their registration, civil, electrical or mechanical engineering through the medium of a partnership, firm or corporation; provided:

(1) A civil, electrical or mechanical engineer is the partner, member, or directing officer in charge of the engineering practice of the partnership, firm, or corporation.

(2) All engineering plans, specifications, and reports are prepared by or under the direct supervision of a registered engineer in the appropriate branch of professional engineering, who shall sign or stamp with his seal such plans, specifications, and reports.

(3) The partnership, firm or corporate name shall not contain the name of any person who is either not registered by the board in a branch of professional engineering, or as an architect; provided, that any holding out by such partnership, firm, or corporation of any individual or individuals to the public as a member, or members, of such partnership, firm, or corporation, other than by the use of the name or names of such individual or individuals in the partnership, firm, or corporate name, shall clearly and specifically designate the license status of such individual or individuals.

(b) Except as provided in Section 6737.2, nothing herein shall authorize the offering to practice or the practice of civil, electrical or mechanical engineering by any persons, either as a member, officer or employee of any partnership, firm, or corporation, who is not registered in the appropriate branch of professional engineering.

(c) This chapter does not prevent or prohibit an individual, firm, company, association or corporation engaged in any line of business other than the practice of civil, electrical or mechanical engineering from employing a registered civil, electrical or mechanical engineer to perform the corresponding civil, electrical or mechanical engineering services incidental to the conduct of their business.

(d) The provisions of this section shall not apply to, or prevent the use of the name of, any partnership, firm, or corporation engaged in rendering civil engineering services which was lawfully in existence on September 30, 1947; provided, all civil

engineering plans, specifications, and reports are prepared by or under the direct supervision of a registered civil engineer, who may be a member of the firm, or a permanent employee of the partnership, firm, or corporation, provided further, that all civil engineering plans, specifications and reports shall be signed by or stamped with the seal of the registered civil engineer in charge of the preparation of the same.

Nor shall they apply to or prevent the use of the name of any partnership, firm, or corporation engaged in rendering electrical or mechanical engineering services which was lawfully in existence on December 31st, 1967; provided all electrical or mechanical engineering plans, specifications, and reports are prepared correspondingly by or under the direct supervision of a registered electrical or mechanical engineer, who may be a member of the firm, or a permanent employee of the partnership, firm, or corporation; provided further that all electrical or mechanical engineering plans, specifications and reports shall correspondingly be signed by or stamped with the seal of the registered electrical or mechanical engineer in charge of the preparation of the same.

(e) The provisions of this section shall not prevent the use of the name of a partnership, firm, or corporation engaged in rendering civil engineering services which was lawfully in existence on September 30, 1947, by any lawful successor in interest or survivor if the board, upon written application informing it of the proposed method of carrying on the business and of the changes, if any, in personnel in charge of the engineering activities of the successor or survivor, determines, after hearing, that the actual operating organization of the partnership, firm, or corporation is substantially carried into and becomes an operating part of the successor or survivor and that the public safety, health, and welfare will not be impaired; provided that in the practice of civil engineering such successor in interest or survivor shall otherwise be subject to the provisions of paragraphs (1) and (2) of subdivision (a) of this section.

SEC. 13. Section 6740 of the Business and Professions Code is amended to read:

6740. A subordinate to a civil, electrical or mechanical engineer registered under this chapter, or a subordinate to a civil, electrical or mechanical engineer exempted from registration under this chapter, insofar as he acts solely in such capacity, is exempt from registration under the provisions of this chapter. This exemption, however, does not permit any such subordinate to practice civil, electrical or mechanical engineering in his own right or to use the title, "civil engineer" or "structural engineer" or "electrical engineer" or "mechanical engineer."

SEC. 14. Section 6747 is added to the Business and Professions Code, to read:

6747. This chapter, except for those provisions which apply to civil engineers and civil engineering, shall not be applicable to the performance of engineering work by a manufacturing, mining, public utility, research and development or other industrial corporation or by employees of such corporation, provided such work is in connection with or incidental to the products, systems, or services of such corporation or its affiliates.

SEC. 15. Section 6756.2 of the Business and Professions Code is amended to read:

6756.2. An engineer-in-training certificate does not authorize the holder thereof to practice or offer to practice civil, electrical or mechanical engineering or to assume responsible charge of civil, electrical or mechanical engineering work, in his own right, or to use the titles specified in Section 6732.

SEC. 16. Section 6787 of the Business and Professions Code is amended to read:

6787. Every person is guilty of a misdemeanor and for each offense of which he is convicted is punishable by a fine of not more than five hundred dollars ($500) or by imprisonment not to exceed three months, or by both fine and imprisonment:

(a) Who, unless he is exempt from registration under this chapter, practices or offers to practice civil, electrical or mechanical engineering in this state according to the provisions of this chapter without legal authorization.

(b) Who presents or attempts to file as his own the certificate of registration of another.

(c) Who gives false evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.

(d) Who impersonates or uses the seal of any other practitioner.

(e) Who uses an expired or revoked certificate of registration.

(f) Who shall represent himself as, or use the title of, registered civil, electrical or mechanical engineer, or any other title whereby such person could be considered as practicing or offering to practice civil, electrical or mechanical engineering in any of its branches, unless he is correspondingly qualified by registration as a civil, electrical or mechanical engineer under this chapter.

(g) Who, unless appropriately registered, manages, or conducts as manager, proprietor, or agent, any place of business from which civil, electrical or mechanical engineering work is solicited, performed or practiced.

(h) Who uses the title, or any of them, of "professional engineer," "chemical engineer," "civil engineer," "electrical engineer," "mechanical engineer," "metallurgical engineer," "petroleum engineer," or "structural engineer" without being registered as required by this act.

(i) Who violates any provision of this chapter.

SEC. 17. Section 6787 of the Business and Professions Code is amended to read:

6787. Every person is guilty of a misdemeanor and for each offense of which he is convicted is punishable by a fine of not more than five hundred dollars ($500) or by imprisonment not to exceed three months, or by both fine and imprisonment:

(a) Who, unless he is exempt from registration under this chapter, practices or offers to practice civil, electrical or mechanical engineering in this state according to the provisions of this chapter without legal authorization.

(b) Who presents or attempts to file as his own the certificate of registration of another.

(c) Who gives false evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.

(d) Who impersonates or uses the seal of any other practitioner.

(e) Who uses an expired or revoked certificate of registration.

(f) Who shall represent himself as, or use the title of, registered civil, electrical or mechanical engineer, or any other title whereby such person could be considered as practicing or offering to practice civil, electrical or mechanical engineering in any of its branches, unless he is correspondingly qualified by registration as a civil, electrical or mechanical engineer under this chapter.

(g) Who, unless appropriately registered, manages, or conducts as manager, proprietor, or agent, any place of business from which civil, electrical or mechanical engineering work is solicited, performed or practiced.

(h) Who uses the title, or any combination of such title, of "professional engineer," "registered engineer," "chemical engineer," "civil engineer," "electrical engineer," "industrial engineer," "mechanical engineer," "metallurgical engineer," "petroleum engineer," "structural engineer" or "engineer-in-training" without being registered as required by this act.

(i) Who uses the title "consulting engineer" without being registered as required by this act or without being authorized to use such title pursuant to Section 6732.1.

(j) Who violates any provision of this chapter.

SEC. 18. Section 6787 of the Business and Professions Code is amended to read:

6787. Every person is guilty of a misdemeanor and for each offense of which he is convicted is punishable by a fine of not more than five hundred dollars ($500) or by imprisonment not to exceed three months, or by both fine and imprisonment:

(a) Who, unless he is exempt from registration under this chapter, practices or offers to practice civil, electrical or mechanical engineering in this state according to the provisions of this chapter without legal authorization.

(b) Who presents or attempts to file as his own the certificate of registration of another.

(c) Who gives false evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.

(d) Who impersonates or uses the seal of any other practitioner.

(e) Who uses an expired or revoked certificate of registration.

(f) Who shall represent himself as, or use the title of, registered civil, electrical or mechanical engineer, or any other title whereby such person could be considered as practicing or offering to practice civil, electrical or mechanical engineering in any of its branches, unless he is correspondingly qualified by registration as a civil, electrical or mechanical engineer under this chapter.

(g) Who, unless appropriately registered, manages, or conducts as manager, proprietor, or agent, any place of business from which civil, electrical or mechanical engineering work is solicited, performed or practiced.

(h) Who uses the title, or any combination of such title, of "professional engineer," "registered engineer," "chemical engineer," "civil engineer," "electrical engineer," "industrial engineer," "mechanical engineer," "metallurgical engineer," "petroleum engineer," "structural engineer" or "engineer-in-training," or the titles in such other branches as the board may establish, or who makes use of any abbreviation of such title or of any name, title, or designation which might lead to the belief that he is a registered engineer, without being registered as required by this act.

(i) Who uses the title "consulting engineer" without being registered as required by this act or without being authorized to use such title pursuant to Section 6732.1.

(j) Who violates any provision of this chapter.

SEC. 19. Section 17 of this act shall become operative only if Assembly Bill No. 328 is enacted, and Assembly Bill No. 1883 is not enacted, by the Legislature at its 1967 Regular Session and in such case at the same time Section 16 of this act is repealed.

SEC. 20. Section 18 of this act shall become operative only if Assembly Bill No. 1883 is enacted by the Legislature at its 1967 Regular Session and in such case at the same time as Assembly Bill No. 1883 takes effect, at which time Sections 16, 17, and 19 of this act are repealed.

CHAPTER 1464

An act to amend Section 20897 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 20897 of the Government Code is amended to read:

20897. (a) Any member of this system who was absent from state service on war relocation leave may elect by written election filed with the board at any time prior to July 1, 1968, to make contributions pursuant to this section for, and to receive credit in this system as state service for, all or any part of the time he was on war relocation leave.

(b) As used in this part, "war relocation leave" means the period of absence from state service occasioned by the evacuation and relocation of a member pursuant to orders issued by the commanding officer of the Western Defense Command in March, 1942, for the evacuation of persons of Japanese descent from such area, where the member was in state service on March 5, 1942, and returned to state service prior to January 1, 1947, or within six months of the time he was discharged, under conditions other than dishonorable, from military service which commenced after his evacuation or relocation, whichever date is later. War relocation leave of a member shall include the period of time from the separation of a member from state service until his return to state service within the period provided herein.

(c) Any member who elects to make contributions and receive credit as state service for all or any part of the time he was on war relocation leave shall contribute to the retirement fund, prior to the effective date of his retirement, by lump sum payment or by installment payments over a period not in excess of the length of time for which the member has elected to receive credit for war relocation leave as state service, at times and in a manner fixed by the board, an amount equal to the sum of (1) the contributions he would have made to the retirement fund if he had been in state service during the time he was on war relocation leave and for which he has elected to receive credit for state service, computed by applying the rate of contribution applicable to him upon commencement of his period of war relocation leave to the monthly compensation earnable by him at the time of commencement of his period of war relocation leave multiplied by the number of months of war relocation leave for which he has elected to receive credit for state service and which will constitute current service under this system, (2) the contributions that would have been made by his employer in respect to him if he had

been in state service during the time he was on war relocation leave and for which he has elected to receive credit for state service, excluding any such contributions with respect to prior service, computed by applying the rate of the employer contribution with respect to members of his category at the time of commencement of his period of war relocation leave to the monthly compensation earnable by him at said time of commencement of his period of war relocation leave multiplied by the number of months of war relocation leave for which he has elected to receive credit for state service and which will constitute current service under this system, and (3) the interest which would have accrued to such member contributions and such state contributions if they had been made on the date of commencement of the member's period of war relocation leave from that date until the completion of payment of those contributions, computed at the current interest rate.

At the time of his retirement a member shall not receive credit as state service for any war relocation leave in excess of that for which he has completed payment of contributions as provided in this section. Any member who has elected to make such contributions by installment payments may, at any time prior to the effective date of his retirement, complete payment of such contributions by lump sum payment. All contributions made pursuant to this section shall be considered to be, and shall be administered as, normal contributions by the member.

CHAPTER 1465

An act to amend Section 2378.5 of the Business and Professions Code and to amend Sections 1701, 1704, 1705, 1708, 1709 and 1714 of, and to repeal Sections 1712, 1713 and 1721 of, and to add Sections 1707.1, 1707.2, 1707.3, 1707.4, 1707.5, 1708.1, 1711.1, 1712, 1713, 1721, and 1722 to, the Health and Safety Code, relating to cancer, and making an appropriation therefor.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1701 of the Health and Safety Code is amended to read:

1701. There is in the State Department of Public Health a Cancer Advisory Council composed of nine physicians and surgeons licensed to practice medicine in, and residing in, this state, three persons who are not physicians and surgeons, two persons representing nonprofit cancer research institutes recognized by the National Cancer Institute, and the director of the department, who shall be an ex officio member. The members of the council shall be appointed by the Governor to serve

for terms of four years. The Governor, in appointing the first members, shall appoint at least one member from the faculty of each of the schools teaching medicine and surgery and located in this state that are approved by the State Board of Medical Examiners. The Governor shall endeavor to maintain one member from the faculty of each school in making subsequent appointments.

SEC. 2. Section 1704 of the Health and Safety Code is amended to read:

1704. The department shall:

(a) Prescribe reasonable rules and regulations with respect to the administration of this chapter.

(b) Investigate violations of the provisions of this chapter, and report such violations to the appropriate enforcement authority.

(c) Secure the investigation and testing of the content, method of preparation, efficacy, or use of drugs, medicines, compounds, or devices proposed to be used, or used, by any individual, person, firm, association, or other entity in the state for the diagnosis, treatment, or cure of cancer, prescribe reasonable regulations with respect to such investigation and testing, and make findings of fact and recommendations upon completion of any such investigation and testing.

(d) Adopt a regulation prohibiting the prescription, administration, sale or other distribution of any drug, substance, or device found to be harmful or of no value in the diagnosis, prevention or treatment of cancer.

(e) Hold hearings in respect of those matters involving compliance with the provisions of this chapter and subpoena witnesses and documents. Any or all such hearings may be held before the Cancer Advisory Council. Any administrative action to be taken by the department as a result of such hearings shall be taken only after receipt of the recommendations of the council. Prior to issuance of a cease and desist order under Section 1711, a hearing shall be held. The person furnishing a sample under Section 1707 shall be given due notice of such hearing and an opportunity to be heard.

(f) Contract with independent scientific consultants for specialized services and advice.

In the exercise of the powers granted by this section, the department shall consult with the Cancer Advisory Council.

SEC. 2. Section 1705 of the Health and Safety Code is amended to read:

1705. For the purposes of this chapter "cancer" means all malignant neoplasms regardless of the tissue of origin, including malignant lymphoma, Hodgkins disease, and leukemia.

SEC. 3. Section 1707.1 is added to the Health and Safety Code, to read:

1707.1. The sale, offering for sale, holding for sale, delivering, giving away, prescribing or administering of any drug, medicine, compound or device to be used in the diagnosis, treatment, alleviation or cure of cancer is unlawful and pro-

hibited unless (1) an application with respect thereto has been approved under Section 505 of the Federal Food, Drug and Cosmetic Act, or (2) there has been approved an application filed with the board setting forth:

(a) Full reports of investigations which have been made to show whether or not such drug, medicine, compound or device is safe for such use, and whether such drug, medicine, compound or device is effective in such use;

(b) A full list of the articles used as components of such drug, medicine, compound or device;

(c) A full statement of the composition of such drug, medicine, compound or device;

(d) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing and packing of such drug, medicine or compound or in the case of a device, a full statement of its composition, properties and construction and the principle or principles of its operation;

(e) Such samples of such drug, medicine, compound or device and of the articles used as components of the drug, medicine, compound or device as the board may require; and

(f) Specimens of the labeling and advertising proposed to be used for such drug, medicine, compound or device.

SEC. 4. Section 1707.2 is added to the Health and Safety Code, to read:

1707.2. Within 180 days after the filing of an application provided for in subdivision (2) of Section 1707.1 or such additional period as may be agreed upon by the board and the applicant, the board shall either:

(1) Approve the application if it finds that none of the grounds for denying approval specified in Section 1707.4 applies, or

(2) Give the applicant notice for an opportunity for a hearing before the board on the question whether such application is approvable. If the applicant elects to accept the opportunity for hearing by written request within 30 days after such notice, such hearing shall commence not more than 90 days after the expiration of such 30 days unless the board and the applicant otherwise agree. Any such hearing shall thereafter be conducted on an expedited basis and the board order thereon shall be issued within 90 days after the date fixed by the board for filing final briefs.

Prior to approving the application or giving the applicant notice for an opportunity for a hearing, the board shall have received a written report from the Cancer Advisory Council setting forth its recommendations on the action the board should take. Such report shall be signed by a majority of the members of the council.

SEC. 5. Section 1707.3 is added to the Health and Safety Code, to read:

1707.3. In the case of any drug, medicine, compound or device for which an approval of an application filed pursuant

to this chapter is in effect, the applicant shall establish and maintain such records, and make such reports to the board, of data relating to clinical experience and other data or information, received or otherwise obtained by such applicant with respect to such drug, medicine, compound or device, as the board may prescribe on the basis of a finding that such records and reports are necessary in order to enable the board to determine, or facilitate a determination, whether there is or may be ground for suspension of the application.

Every person required under this section to maintain records, and every person in charge of custody thereof, shall, upon request of an agent of the board, permit such agent at all reasonable times to have access to and copy and verify such records.

SEC. 6. Section 1707.4 is added to the Health and Safety Code, to read:

1707.4. The board shall issue an order refusing to permit the application to become effective, if, after due notice to the applicant and opportunity for a hearing, the board finds any of the following:

(a) The investigations, reports of which are required to be submitted to the board pursuant to subdivision (2) of Section 1707.1 do not include adequate tests by all methods reasonably applicable to show whether or not a drug, medicine, compound or device is safe for use in the diagnosis, treatment, alleviation or cure of cancer.

(b) The results of tests specified in subdivision (a) show that a drug, medicine, compound or device is unsafe for use under the conditions specified in subdivision (a) or do not show that the drug, medicine, compound or device is safe for use under such conditions.

(c) The methods used in, and the facilities and controls used for, the manufacture, processing, and packing of a drug, medicine, compound or device are inadequate to preserve its identity, strength, quality, and purity and with respect to a device are inadequate to preserve its safety or effectiveness.

(d) Upon the basis of the information submitted to it as part of the application, or upon the basis of any other information before it with respect to a drug, medicine, compound or device, it has insufficient evidence to determine whether the drug, medicine, compound or device is safe for use under the conditions specified in subdivision (a).

(e) Evaluated on the basis of the information submitted to it as part of the application and any other information before it with respect to the drug, medicine, compound or device, there is a reasonable doubt that the drug, medicine, compound or device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling or advertising thereof.

(f) The application contains any untrue statement of a material fact.

SEC. 7. Section 1707.5 is added to the Health and Safety Code, to read:

1707.5. (a) The board shall issue an order withdrawing approval of an application concerning any drug, medicine, compound or device if, after due notice to the applicant and opportunity for a hearing, the board finds any of the following:

(1) That clinical or other experience, tests, or other scientific data show that such drug, medicine, compound or device is unsafe for use under the conditions of use upon the basis of which the application was approved;

(2) That new evidence of clinical experience, not contained in such application or not available to the board until after such application was approved, or tests by new methods, or tests by methods not deemed reasonably applicable when such application was approved, evaluated together with the evidence available to the board when the application was approved, shows that such drug, medicine, compound or device is not shown to be safe for use under conditions of use upon the basis of which the application was approved; or

(3) On the basis of new information with respect to the drug, medicine, compound or device, evaluated together with the evidence available to the board when the application was approved, that there is a lack of substantial evidence that the drug, medicine, compound or device will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or advertising thereof; or

(4) That the application contains any untrue statement of a material fact.

(b) If the board finds that there is an imminent hazard to the public health, it may suspend the approval of such application immediately.

(c) The board may also, after due notice and opportunity for hearing, withdraw the approval of an application with respect to any drug, medicine, compound or device under this section if the board finds any of the following:

(1) That the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports, or the applicant has refused to permit access to, or copying or verification of, such records; or

(2) That on the basis of new information before the board, evaluated together with the evidence before it when the application was approved, the methods used in, or the facilities and controls used for, the manufacture, maintenance, processing, and packing of such drug, medicine, compound, or device are inadequate to assure and preserve its identity, strength, quality, and purity and with respect to a device are inadequate to preserve its safety or effectiveness and were not

made adequate within a reasonable time after receipt of written notice from the board specifying the matter complained of; or

(3) That on the basis of new information before it, evaluated together with the evidence before it when the application was approved, the labeling of such drug, medicine, compound or device, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the board specifying the matter complained of.

(d) Any order under this section shall state the findings upon which it is based.

SEC. 8. Section 1708 of the Health and Safety Code is amended to read:

1708. This chapter shall not apply to the use of any drug, medicine, compound, or device intended solely for legitimate and bona fide investigational purposes by experts qualified by scientific training and experience to investigate the safety and therapeutic value thereof unless the department shall find that such drug, medicine, compound, or device is being used in diagnosis or treatment for compensation and profit. In order to qualify for an exemption under this section there shall be on file with the Federal Department of Health, Education, and Welfare a current and unrevoked investigational new drug application issued pursuant to Section 505i of the Federal Food, Drug, and Cosmetics Act, or the following conditions shall be complied with:

(a) The label of the drug, medicine, compound or device shall bear the statement "Caution: New drug (or medicine or compound or device). Use in the diagnosis, treatment, alleviation or cure of cancer limited by law to investigational use."

(b) The drug, medicine, compound or device has had adequate testing on appropriate experimental animals to demonstrate a lack of toxicity and hazard sufficient to permit its use in or on human beings and to establish with clarity the margins of safety ordinarily recognized by experts qualified by scientific training and experience to investigate the safety and effectiveness of such drugs, substances or devices.

(c) The drug, medicine, compound or device is to be used solely for investigational use by, or under the direction of, an expert qualified by scientific training and experience to investigate the safety and effectiveness of such drug, medicine, compound or device.

(d) A written statement signed by the expert has been filed with the board. The statement shall show what facilities the expert will use for the investigation to be conducted by him, and that the drug, medicine, compound or device will be used solely by him or under his direction for the investigation. The statement shall contain information identifying any assistant or agent of the expert who uses the drug, medicine, compound, or device under the direction of the expert.

(e) Complete records of the investigation shall be kept by the expert and all records shall be made available by the expert for inspection upon the request of any agent of the board at any reasonable hour as long as the expert desires exemption.

(f) The expert shall inform any persons who participate in the investigation as patients, that such drug, medicine, compound or device is being used for investigational purposes and shall obtain the consent of such persons or their representatives.

SEC. 9. Section 1708.1 is added to the Health and Safety Code, to read:

1708.1. Section 1707.1 does not apply to any device used within the scope of his license privileges by a physician and surgeon or dentist licensed as such in this state.

SEC. 10. Section 1709 of the Health and Safety Code is amended to read:

1709. The failure of any individual, person, firm, association, or other entity representing himself, or itself, as engaged in the diagnosis, treatment, alleviation, or cure of cancer to comply with any of the provisions of this chapter the regulations promulgated thereunder, or with any order of the department validly issued under this chapter is a misdemeanor.

The provisions of this chapter shall not apply to any person who depends exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization, nor practitioner thereof.

SEC. 11. Section 1711.1 is added to the Health and Safety Code, to read:

1711.1. The department may direct that any individual, person, firm, association, or other entity shall cease and desist any further prescribing, recommending or use of any drug, medicine, compound or device for which no application has been approved under this chapter unless its use is exempt under Section 1708 or Section 1708.1.

SEC. 12. Section 1712 of the Health and Safety Code is repealed.

SEC. 13. Section 1712 is added to the Health and Safety Code, to read:

1712. Any violation of this chapter, of the regulations promulgated thereunder or of a cease and desist order issued by the department under Section 1711 or Section 1711.1 may be enjoined by the superior court in any county, on application of the department.

Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, excepting that no undertaking shall be required in any action commenced by the department under this section.

SEC. 14. Section 1713 of the Health and Safety Code is repealed.

SEC. 15. Section 1713 is added to the Health and Safety Code, to read

1713. Any person against whom an injunction or cease and desist order has been issued, under this chapter, may not undertake to use in the diagnosis, treatment, alleviation or cure of cancer any new experimental, untested, or secret drug, medicine, compound, or device for which there is no approved application on file or which does not qualify for an exemption, without first submitting an application to the department.

SEC. 16. Section 1714 of the Health and Safety Code is amended to read:

1714. It is a misdemeanor for any person willfully and falsely to represent a device, substance, method or treatment as effective to diagnose, arrest, prevent, or cure cancer. Nothing in this section shall abridge the existent rights of the press.

SEC. 17. Section 1721 of the Health and Safety Code is repealed.

SEC. 18. Section 1721 is added to the Health and Safety Code, to read:

1721. No provision of this chapter shall preclude reconsideration of an application for use of any drug, medicine, compound or device for the diagnosis, treatment, alleviation or cure of cancer if new evidence or matter is presented to the department and such reconsideration is predicated upon compliance with the applicable sections of the law, and presentation of data developed subsequent to the applicable ruling of the board.

SEC. 19. Section 1722 is added to the Health and Safety Code, to read:

1722. The provisions of this chapter shall remain in effect until December 31, 1969, and shall have no force or effect after that date.

SEC. 20. Section 2378.5 of the Business and Professions Code is amended to read:

2378.5. The violation of any provision of Chapter 7 (commencing at Section 1700) of Division 2 of the Health and Safety Code, or any violation of an injunction or cease and desist order issued under Chapter 7 of Division 2 of the Health and Safety Code, constitutes unprofessional conduct within the meaning of this chapter.

SEC. 20. The sum of twenty-three thousand five hundred twenty-nine dollars ($23,529) is hereby appropriated from the General Fund to the Department of Public Health in augmentation of Item 128 of the Budget Act of 1967 for the purposes of this act.

CHAPTER 1466

An act to amend Section 908 of, to add Section 985 to, and to repeal Sections 981, 982, 983, 988, 989, 990, 991, 992, 993, and 994 of, the Insurance Code, relating to financial reports of insurers.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 908 of the Insurance Code is amended to read:

908. Third—Such statement shall also show the liabilities of the insurer, specifying:

(1) The amount of losses due and unpaid.

(2) The amount of claims for losses resisted by the insurer.

(3) The amount of losses in process of adjustment or in suspense, including all reported or supposed losses.

(4) The amount of dividends declared, due, and remaining unpaid.

(5) The amount of dividends declared, but not due.

(6) The amount of money borrowed and security given for the payment thereof.

(7) Gross premiums, without any deductions, received and receivable upon all unexpired risks, reinsurance thereon pro rata.

(8) Amount reclaimable by the insured on perpetual fire insurance policies, being 95 percent of the premiums or deposit received.

(9) Reinsurance fund and all other liabilities, except capital.

(10) Unused balances of bills and notes taken in advance for premiums on open marine and inland policies, or otherwise, returnable on settlement.

(11) Principal unpaid on script or certificates of profits, which have been authorized or ordered to be redeemed.

(12) Amount of all other liabilities of the company, specifying each liability.

SEC. 2. Section 981 of the Insurance Code is repealed.

SEC. 3. Section 982 of the Insurance Code is repealed.

SEC. 4. Section 983 of the Insurance Code is repealed.

SEC. 5. Section 985 is added to the Insurance Code, to read:

985. (a) On or after January 1, 1970, as used in this article and in subdivision (i) of Section 1011, "insolvency" means any impairment of minimum "paid-in capital" or "capital paid in," as defined in Section 36, required in the aggregate of an insurer by the provisions of this code for the class, or classes, of insurance which it transacts anywhere.

(b) On or after January 1, 1970, an insurer cannot escape the condition of insolvency by being able to provide for all its liabilities and for reinsurance of all outstanding risks. An insurer must also be possessed of additional assets equivalent to

such aggregate "paid-in capital" or "capital paid in" required by this code after making provision for all such liabilities and for such reinsurance.

(c) On or after October 1, 1967, as used in this code provision for reinsurance of all outstanding risks and "gross premiums without any deduction, received and receivable upon all unexpired risks" means the greater of: (1) the aggregate amount of actual unearned premiums, or (2) the amount reasonably estimated as being required to reinsure in a solvent admitted insurer the unexpired terms of the risks represented by all outstanding policies.

(d) On or after October 1, 1967, an insurer must make provision for reinsurance of the outstanding risk on policies which provide premiums are fully earned at inception and on policies which for any other reason do not provide for a return premium to the insured on cancellation prior to expiration.

(e) On or after October 1, 1967, the commissioner shall prescribe standards for reasonably estimating the amount required to reinsure which will provide adequate safeguards for the policyholders, creditors and the public.

(f) On or after October 1, 1967, this section shall not be applicable to life, title, mortgage or mortgage guaranty insurers.

SEC. 6. Section 988 of the Insurance Code is repealed.

SEC. 7. Section 989 of the Insurance Code is repealed.

SEC. 8. Section 990 of the Insurance Code is repealed.

SEC. 9. Section 991 of the Insurance Code is repealed.

SEC. 10. Section 992 of the Insurance Code is repealed.

SEC. 11. Section 993 of the Insurance Code is repealed.

SEC. 12. Section 994 of the Insurance Code is repealed.

SEC. 13. Sections 2, 3, 4, 6, 7, 8, 9, 10, 11, and 12 of this act shall be operative on January 1, 1970.

CHAPTER 1467

An act to add Chapter 3 (commencing with Section 65500) to Division 22 of the Agricultural Code, as proposed by Senate Bill No. 1, relating to regulating the marketing of fruits by the California Table Grape Commission, and making an appropriation therefor.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 (commencing with Section 65500) is added to Division 22 of the Agricultural Code, as proposed by Senate Bill No. 1, to read:

CHAPTER 3. THE CALIFORNIA TABLE GRAPE COMMISSION

Article 1. Declarations and Purposes

65500. (a) Grapes produced in California for fresh human consumption comprise one of the major agricultural crops of California, and the production and marketing of such grapes affects the economy, welfare, standard of living and health of a large number of citizens residing in this state.

(b) Increased plantings of vineyards and improved cultural practices for the production of California grapes for fresh human consumption have increased and will continue to increase the production thereof and unless the fresh human consumption of California grapes is increased by the expansion of existing markets and the development of new markets, the interests of the fresh grape industry of California, and the public interest of the people of this state, will be adversely affected.

(c) The inability of individual producers to maintain or expand present markets or to develop new or larger markets for such grapes results in an unreasonable and unnecessary economic waste of the agricultural wealth of this state.

(d) Such conditions and the accompanying waste jeopardize the future continued production of adequate supplies of fresh grapes for human consumption for the people of this and other states, and prevent producers from obtaining a fair return for their labor, their farms and their production. As a consequence, the purchasing power of such producers has been in the past, and may continue to be in the future unless such conditions are remedied, low in relation to that of other people engaged in other gainful occupations within the state, and they are thereby prevented from maintaining a proper standard of living and from contributing their fair share to the support of the necessary governmental and education functions, thus tending to increase unfairly the tax burden of other citizens of the state.

(e) These conditions vitally concern the health, peace, safety and general welfare of the people of this state. It is therefore necessary and expedient in the public interest to protect and enhance the reputation of California fresh grapes for human consumption in intrastate, interstate and foreign markets, and to otherwise act so to eliminate unreasonable and unnecessary economic waste of the agricultural wealth of this state.

(f) The promotion of the sale of fresh grapes for human consumption by means of advertising, dissemination of information on the manner and means of production, and the care and effort required in the production of such grapes, the methods and care required in preparing and transporting such grapes to market, and the handling of the same in consuming markets, research respecting the health, food and dietetic value of Cali-

fornia fresh grapes and the production, handling, transportation and marketing thereof, the dissemination of information respecting the results of such research, instruction of the wholesale and retail trade with respect to handling thereof, and the education and instruction of the general public with reference to the various varieties of California fresh grapes for human consumption, the time to use and consume each variety and the uses to which each variety should be put, the dietetic and health value thereof, all serve to increase the consumption thereof and to expand existing markets and create new markets for fresh grapes, and prevent agricultural waste, and is therefore in the interests of the welfare, public economy and health of the people of this state.

(g) It is hereby declared to be the policy of this state to aid producers of California fresh grapes in preventing economic waste in the marketing of their commodity, to develop more efficient and equitable methods in such marketing, and to aid such producers in restoring and maintaining their purchasing power at a more adequate, equitable and reasonable level.

(h) The production and marketing of grapes produced in California for fresh human consumption is declared to be affected with a public interest; the provisions of this chapter are enacted in the exercise of the police power of this state for the purpose of protecting the health, peace, safety and general welfare of the people of this state.

65501. Notwithstanding other laws to the contrary, in the event a commodity or marketing agreement or marketing order under the jurisdiction of the United States Department of Agriculture or other appropriate federal agency, is created by referendum or under the applicable laws and procedures relating thereto, in this state or in any geographical area within this state, which agreement or order contains provisions substantially similar to the provisions of this chapter, this chapter shall be inapplicable to any producer, shipper, or other person covered by, and, to the extent of such coverage, during the existence of such federal agreement or order.

Article 2. Definitions and General Provisions

65520. As used in this chapter, the following words have the following meanings set forth hereafter unless otherwise apparent from the context:

65521. "Cartwright Act" means the act set forth in Chapter 2 (commencing with Section 16700), Part 2, Division 7 of the Business and Professions Code.

65522. "Unfair Practices Act" means the act set forth in Chapter 4 (commencing with Section 17000), Part 2, Division 7 of the Business and Professions Code.

65523. "Fresh grapes" also designated "table grapes" means any and all varieties of grapes produced in the State of California shipped for fresh human consumption, but does not include grapes delivered to a processor for processing or grapes

processed by a processor or grapes delivered to a winery for winemaking or grapes produced for use in the making of wine.

65524. "Producer" means any person engaged within this state in the business of producing or causing to be produced for market "fresh grapes."

65525. "Shipper" means any person engaged within this state in shipping fresh grapes, whether as owner, agent, or otherwise.

65526. "Processor" and derivatives therefrom, means every person and every plant within this state to whom or to which grapes are delivered for the purpose of drying, dehydrating, canning, pressing, crushing, extracting, cooking, quick freezing, or for use in producing or manufacturing a product or manufactured article.

65527. "Person" means any individual, firm, corporation, association, or any other business unit, and shall, for purposes of this chapter, include any state agency which engages in any of the commercial activities regulated pursuant to the provisions of this chapter.

65528. "Director" means the Director of Agriculture.

65529. "Advertising and sales promotion" means, in addition to the ordinarily accepted meaning thereof, trade promotion and activities for the prevention, modification or removal of trade barriers which restrict the free flow of fresh grapes to market and may include the presentation of facts to, and negotiations with, state, federal or foreign governmental agencies on matters which affect the marketing of such grapes.

65531. "Commission" means the California Table Grape Commission.

65532. "Commissioner" means any member of the commission.

65533 "Districts" shall consist of:

District 1. (Southern California) (Coachella Valley-Borrego)

Includes all that area of California south of a line described as beginning at the point of intersection of the shore line of the Pacific Ocean with the northern boundary line of San Diego County; thence northeasterly along the northern boundary of San Diego County to the point of intersection with the western boundary of Riverside County; thence northerly along the said western boundary of Riverside County to the northern boundary of said Riverside County; thence easterly along the said northern boundary of Riverside County to the point of intersection with the California-Arizona state boundary.

District 2 (Shafter, Bakersfield, Arvin)

Includes all that area of California north of the northern boundary of District No. 1 and south of a line described as beginning at the intersection of the shore line of the Pacific

Ocean with a line projected due west from the intersection of U.S. Highway No. 466 and California State Highway No. 1; thence easterly along said U.S. Highway No. 466 to the town of Famoso; thence from Famoso northeasterly along the Famoso to Woody County Road to the town of Woody; thence along a line due north to a point on the northern boundary of Kern County; thence easterly along the said northern boundary of Kern County and along the northern boundary of San Bernardino County to the point of intersection with the California-Nevada state boundary.

District 3. (Earlimart, Terra Bella, Delano, McFarland)

Includes all that area of California north of the northern boundary of District No. 2 and south of a line described as beginning at the point of intersection of the shore line of the Pacific Ocean with the westerly projection of the north line of Township 23 south, M.D B. & M.; thence easterly along the said north line of Township 23 south projected to the point of intersection with the Principal San Bernardino Meridian; thence due east along a line to the point of intersection with the California-Nevada state boundary.

District 4. (Visalia, Exeter, Porterville)

Includes all that area of California north of the northern boundary of District No. 3 and south of a line described as beginning at the point of intersection of the shore line of the Pacific Ocean with the westerly projection of the north line of Township 18 south, M D. B & M.; thence easterly along the said north line of Township 18 south projected to the point of intersection with the Principal San Bernardino Meridian; thence southerly along the said Principal San Bernardino Meridian to the Fifth Standard Parallel north, S.B. B. & M.; thence easterly along the said Fifth Standard Parallel north to the point of intersection with the California-Nevada state boundary.

District 5. (Reedley, Dinuba, Orange Cove)

Includes all that area of California north of the northern boundary of District No. 4 and south of a line described as beginning at the point of intersection of the shoreline of the Pacific Ocean with the Fourth Standard Parallel south M.D. B. & M.; thence easterly along the said Fourth Standard Parallel south to the point of intersection with the southerly projection of McCall Road in Fresno County; thence northerly along the said McCall Road to the point of intersection with Rose Avenue in Fresno County; thence easterly along the said Rose Avenue and along the easterly projection thereof to the point of intersection with the main channel of Kings River; thence northerly along the said Kings River to the point of

intersection with California State Highway Sign Route No. 180; thence easterly along the said California State Highway Sign Route No. 180 to the point of intersection with the Fresno County boundary; thence due east along a line to the point of intersection with the California-Nevada state boundary.

District 6. (Madera, Fresno, Sanger)

Includes all that area of California north of the northern boundary of District 5 and south of a line described as beginning at the point of intersection of the shoreline of the Pacific Ocean with the northern boundary of Monterey County; thence easterly along the said northern boundary of Monterey County to the northern boundary of San Benito County; thence easterly along the said northern boundary of San Benito County to a point on the western boundary of Merced County; thence northeasterly along the said western boundary of Merced County to the northern boundary of Merced County; thence easterly along the said northern boundary of Merced County to a point on the northern boundary of Mariposa County; thence easterly along the said northern boundary of Mariposa County to the eastern boundary of Madera County; thence southerly along the said eastern boundary of Madera County to a point on the western boundary of Mono County; and also including all of the area in Mono County, California.

District 7. (Northern California) (Lodi)

Includes all that area of California north of the northern boundary of District No. 6.

Article 3. The California Table Grape Commission

65550. There is hereby created the California Table Grape Commission to be thus known and designated. The commission shall be composed of 21 fresh grape producers appointed by the director from the nominees selected as provided by this article.

65551. The California Table Grape Commission shall be and is hereby declared and created a corporate body. It shall have the power to sue and be sued, to contract and be contracted with, and to have and possess all of the powers of a corporation. It shall adopt a corporate seal. Copies of its proceedings, records and acts, when certified by the secretary and authenticated by the corporate seal, shall be admissible in evidence in all courts of the state, and shall be prima facie evidence of the truth of all statements therein.

65552. The commission may appoint a manager, a treasurer and a secretary. The compensation of each officer shall be fixed by the commission and they shall serve at the pleasure of the commission with such powers and duties as may be delegated

to them by the commission. No such officer shall be a member of the commission.

65553. The members of the commission shall be natural persons, each of whom shall be a citizen and resident of this state over the age of 25 years, and each of whom, as an individual, partner or employee of a producer or producers, is and has been actively engaged in growing fresh grapes within this state for a period of at least five years. Not more than two members shall be persons employed by, or connected in a proprietary capacity with, the same corporation, firm, partnership, association or business organization; provided further, that not more than one member in any one district shall be so employed or connected. The qualifications of members of the commission, as herein set forth, must continue during their term of office.

65554. Each of the seven districts shall be represented by three members.

65555. The regular term of office of the members of the commission shall be three years from the date of appointment and until their successors are appointed, except that of the first members of each district, one shall serve for one year, one shall serve for two years and one shall serve for three years, with the determination of the term of each such member to be made by lot. Thereafter, their successors shall serve the regular term of office.

65556. Each member for each district shall be elected by a plurality of votes cast by producers in the district. Each producer who has grown fresh grapes in a district in the year preceding any election shall be entitled to two votes in such district, one for each of two nominees. In the first election after the effective date of this chapter, each producer entitled to vote in a district shall be entitled to six votes in such district, one for each of the six nominees, and the six nominees receiving the greatest number of votes shall be nominated for appointment as the members of such district for the initial terms hereunder. In the event of a tie vote which shall result in failure to nominate two persons for each commission membership available, there shall be another election held only between those nominees, the tie vote for whom resulted in such failure to so nominate required number of nominees.

65558. A nonprofit cooperative marketing association may vote by proxy for any member, if so authorized in writing. Such proxy shall be revocable at will.

65559. Immediately after the effective date of this chapter, the director shall establish a list of producers in each district. Such list of producers may be established from lists of such persons whose names and addresses appear on file in the Department of Agriculture. In establishing such lists of producers, the director may issue a notice to shippers, requiring them to file with the director a certified report showing the name and mail address of the shipper, and the correct names and mail addresses of producers whose producing operations are located within each district from whom the shipper re-

ceived fresh grapes during the next preceding season. Notice to such shippers shall be published by the director for a period of not less than five days in a newspaper of general circulation published in each district, and shall be mailed to all shippers of record with the department. The lists of producers shall be filed by shippers within 10 days from the last date of publication of the notice.

65559.5. The commission or the director in preparing a list of producers to be used under this chapter, may omit from such list any person who makes only casual sales or sales as a result of activities other than a commercial farm business venture. Any person so omitted from such list shall not be subjected to the provisions, including the payment of any assessments, of this chapter and shall not be qualified as a producer under this chapter.

Any person omitted from a list pursuant to this section may be included on any subsequent list if found qualified as a producer at the time of preparing such list.

65560. In addition, the director may obtain lists of producers whenever and in such manner as he may deem necessary or advisable, for the purpose of checking, comparing or correcting such lists. Such producer lists shall, subject to any proper corrections, be final and conclusive in making determinations relative to the number and qualifications of producers entitled to vote for commissioners in a referendum, or those persons qualified as producers for any other purpose.

65561. Any producer producing fresh grapes, whose name does not appear upon the director's list of producers affected, may have his name established thereon by filing with the director a signed statement, advising that he produced such fresh grapes in the next preceding season, and giving the quantity produced in each district and the quantity delivered to shippers or introduced into trade.

65562. Upon establishment of such lists of producers, the Director of Agriculture shall call meetings of producers in each district, for the purpose of nominating persons to be appointed to the office of commissioner. At each such district meeting for the nomination of members, the director or a representative authorized by him shall preside, and receive nominations, and at the conclusion of each such meeting shall announce the names of the persons nominated at the meetings and the time, the manner and instructions for voting by mail. Thereafter, within 10 days after each such meeting, the director shall mail to all producers ballots for the election of members in the respective districts, with instructions for voting by mail. All votes shall be required to be delivered to the Director of Agriculture or mailed for delivery within 10 days after issuance of ballots by the director.

65563. Upon expiration of the voting period the director shall tabulate all votes and shall announce the names of those persons nominated for appointment as members of the commission from each district and shall appoint one of the two

nominees from each district as a member of the commission; provided that in the appointment of the first members of the commission after this chapter becomes effective the director shall appoint three of the six nominees from each district as members of the commission to serve in accordance with Section 65555.

65564. Nonreceipt of notice of a meeting for the nomination of commissioners or of ballots shall not invalidate any such meeting, nomination or election.

65565. Subsequent to the first election after the effective date of this chapter, the commission shall compile and maintain a list of qualified producers and shall, at least 30 days prior to the date set for any meeting for nomination to office of commissioner, certify such list, to the director, and such list shall constitute the list of producers qualified to vote in any such election.

65566. Subsequent to the first election after the effective date of this chapter, meetings shall be called by the director for the purpose of nominating candidates to the office of commissioner not more than 90 nor less than 60 days prior to the expiration of the term of office of such commissioner, and thereafter persons shall be elected for such office and appointed as hereinbefore set forth.

65567. In the event the office of a commissioner becomes vacant due to failure to qualify, resignation, disqualification, death or for any other reason, such position shall be filled by a special election, conducted in the manner herein provided for general elections and appointment by the director. Vacancies occurring within six months prior to a regular district election may remain vacant until the next regular election. Commission members elected at special elections shall serve the unexpired term of the office to which they are appointed.

65568. A majority of the members of the commission at any meeting shall constitute a quorum for the transaction of all business and the carrying out of the duties of said commission. Unless otherwise fixed by the commission, the vote of a majority of members present at a meeting at which there is a quorum shall constitute the act of the commission.

65569. No commissioner shall receive a salary. Each commissioner shall receive the sum of twenty-five dollars ($25) per day for each day spent in actual attendance on, or in traveling to and from, meetings of the commission or on special assignment for the commission, together with actual expenses incurred in carrying out the provisions of this chapter. Traveling expenses shall be reimbursed at the rate allowed to state employees per mile traveled by automobile or actual fare when traveling by airplane, railway or other manner of transportation.

65570. All moneys received by any person from the assessments levied under the authority of this chapter or otherwise received by the commission shall be paid to it, shall be deposited in such banks as the commission may designate, and

shall be disbursed by order of the commission through such agent or agents as it may designate for that purpose. Any such agent or agents shall be bonded by a fidelity bond, executed by a surety company authorized to transact business as such in the State of California, in favor of the commission, conditioned upon the faithful performance of his duties, and in addition, as to such treasurer, the strict accounting of all funds of the commission, in the penal sum of not less than fifty thousand dollars ($50,000).

65571. The State of California shall not be liable for the acts of the commission or its contracts. Payment of all claims arising by reason of the administration of this chapter or acts of the commission shall be limited to the funds collected by the commission No member of the commission or any employee or agent thereof shall be personally liable on the contracts of the commission nor shall a commissioner or employees of such commission be responsible individually in any way to any producer or shipper or any other person for errors in judgment, mistakes or other acts, either of commission or omission, as principal, agent or employee, except for their own individual acts of dishonesty or crime. No commissioner shall be held responsible individually for any act or omission of any other member of such commission The liability of the commissioners shall be several and not joint, and no commissioner shall be liable for the default of any other commissioner.

65572. The powers and duties of the commission shall include the following:

(a) To elect a chairman, and from time to time such other officers as it may deem advisable, and to delegate to such officers such administrative duties as may appear advisable.

(b) To adopt and from time to time alter, rescind, modify and amend all proper and necessary rules, regulations and orders for the exercise of its powers and the performance of its duties, including rules for regulation of appeals from any rule, regulation or order of the commission.

(c) To administer and enforce this chapter, and to do and perform all acts and exercise all powers incidental to or in connection with or deemed reasonably necessary, proper or advisable to effectuate the purposes of this chapter.

(d) To employ, and at its pleasure discharge, a manager, treasurer, secretary, employees and necessary personnel, including attorneys engaged in the private practice of the law, fix their compensation and terms of employment, prescribe their duties, and to incur such expenses as it may deem reasonably necessary and proper to properly perform such of its duties as are authorized herein The Attorney General shall aid and assist the commission on its request and shall undertake such judicial proceedings as requested by the commission to undertake on its behalf.

(e) To establish offices and incur expense, and to enter into any and all contracts and agreements, and to create such liabilities and borrow such funds in advance of receipt of as-

sessments as may be necessary, in the opinion of the commission, for the proper administration and enforcement of this chapter and the performance of its duties.

(f) To keep accurate books, records and accounts of all of its dealings, which books, records and accounts shall be open to inspection and audit by the Department of Finance of the State of California or other state officer charged with the audit of operations of departments of the State of California.

(g) To investigate and prosecute civilly violations of this chapter and to file complaints with appropriate law enforcement agencies or officers for criminal violations of this chapter.

(h) To promote the sale of fresh grapes by advertising and other similar means for the purpose of maintaining and expanding present markets and creating new and larger intrastate, interstate and foreign markets for fresh grapes; to educate and instruct the public with respect to fresh grapes; and the uses and time to use the several varieties, and the healthful properties and dietetic value of fresh grapes.

(i) In the discretion of the commission, to educate and instruct the wholesale and retail trade with respect to proper methods of handling and selling fresh grapes; to arrange for the performance of dealer service work providing display and other promotional materials; to make market surveys and analyses; and to present facts to and negotiate with state, federal and foreign agencies on matters which affect the marketing and distribution of fresh grapes; and to undertake any other similar activities which the commission may determine appropriate for the maintenance and expansion of present markets and the creation of new and larger markets for fresh grapes.

(j) In the discretion of the commission, to make in the name of the commission contracts to render service in formulating and conducting plans and programs, and such other contracts or agreements as the commission may deem necessary for the promotion of the sale of fresh grapes.

(k) In the discretion of the commission, to conduct, and contract with others to conduct, scientific research, including the study, analysis, dissemination and accumulation of information obtained from such research or elsewhere respecting the marketing and distribution of fresh grapes, the production, storage, refrigeration, inspection and transportation thereof, to develop and discover the dietetic value of fresh grapes and to develop and expand markets, and to improve cultural practices and product handling so that the various varieties may be placed in the hands of the ultimate consumer in the best possible condition. In connection with such research, the commission shall have the power to accept contributions of, or to match, private, state or federal funds that may be available for these purposes, and to employ or make contributions of funds to other persons or state or federal agencies conducting such research.

(*l*) To determine, subject to the limitations provided in Section 65600, not later than May 1 of each year, the assessment for the following 12 months' period beginning May 1st and ending April 30th.

(m) In the discretion of the commission, to publish and distribute without charge a bulletin or other communication for dissemination of information relating to the fresh grape industry to producers and shippers.

65573. The provisions of this chapter except Sections 65550, 65551, 65553, 65554, 65555, 65556, 65558, to 65565, inclusive, shall not become operative until the commission finds, in a referendum conducted by the commission in which at least 40 percent of the total number of producers established by the director as marketing 40 percent of the total volume marketed by all producers on the list established pursuant to Sections 65559 to 65562, inclusive, during the last completed marketing season participate, one or more of the following:

(a) That not less than 65 percent or more of the producers as certified by the commission in accordance with Section 65565, who voted in such referendum, voted in favor of the provisions of this chapter, and that such producers so voting marketed 51 percent or more of the total quantity of table grapes marketed in the preceding marketing season by all of the producers who voted in such referendum; or

(b) That 51 percent or more of such producers who voted in such referendum voted in favor of the provisions of this chapter and that such producers so voting marketed 65 percent or more of the total quantity of table grapes marketed in the preceding marketing season by all of the producers who voted in such referendum.

The commission shall establish a period in which to conduct such referendum which shall not be less than 10 days nor more than 60 days, and may prescribe such additional procedure as may be necessary to conduct such referendum.

Nonreceipt of a ballot shall not invalidate such referendum. If the commission finds that such favorable vote has been given as herein provided, it shall so certify to the director and give notice thereof by publication in a newspaper of general circulation in each district in accordance with Section 6066 of the Government Code and shall mail a copy of such notice to all producers and shippers whose names and addresses may be on file with the commission. All provisions of this chapter shall become effective upon completion of publication and 15 days after such certification to the director.

If the commission finds that such assent has not been given as herein provided, it shall so certify to the director, who shall declare the operation of the provisions of this chapter and of the commission suspended upon the expiration of the current marketing season ending April 30, 1968 Thereupon, the operations of the commission shall be wound up and funds distributed in the manner provided in Sections 65662 and 65663 of this chapter.

Prior to the holding of the referendum, sureties shall have posted a bond or security, acceptable to the director, in an amount which the director shall determine to be sufficient to pay the costs of the referendum should it prove unfavorable to the operation of the commission.

65574. The commission shall appoint a shipper advisory committee of five members appointed from shippers at large to advise the commission on the exercise of its powers and duties under this chapter. Such members shall be natural persons, each of whom shall be citizens and residents of this state, over the age of 25 years, each of whom, as an individual, partner or employee of a shipper or shippers, is and has been actively engaged in shipping fresh grapes in this state for a period of at least five years.

65575. Members of the shipper advisory committee shall not receive a salary. Each member of the shipper advisory committee shall receive the sum of twenty-five dollars ($25) per day for each day spent in actual attendance on, or in traveling to and from, meetings of the commission or on special assignment for the commission together with actual expenses incurred in carrying out the provisions of this chapter. Traveling expenses shall be reimbursed at the rate allowed to state employees per mile traveled by automobile or actual fare when traveling by airplane, railway or other manner of transportation.

Article 4. Assessments and Records

65600. There is hereby levied and imposed upon all fresh grapes shipped during the marketing season, commencing May 1, 1967, and ending April 30, 1968, and in each marketing season thereafter, an assessment as fixed by the commission at that amount determined by the commission as reasonably necessary to pay all obligations incurred or to be incurred in accordance with this chapter and as reasonably necessary to carry out the objects and purposes of this chapter; provided, that during the first marketing season such assessment shall not exceed .0577 mills per pound (5.77¢ per 100 pounds) net weight when shipped, whether in bulk or loose in boxes or any other container or packed in any style package, and in subsequent marketing seasons such assessment shall not exceed .1924 mills per pound (19.24¢ per 100 pounds), computed on net weight when shipped, whether in bulk or loose in boxes or in any other container or packed in any style package.

There shall be exempt from such assessments all shipments of 150 pounds or less of fresh grapes sold or shipped by a producer direct to the consumer.

65601 Every shipper shall keep a complete and accurate record of all fresh grapes shipped by him and the producer thereof. Such records shall be in simple form and contain such information as the commission shall by regulation or rule prescribe. Such records shall be preserved by such shipper for a

period of two years and shall be offered and submitted for inspection at any reasonable time upon written demand of the commission or its duly authorized agent.

65602. Every shipper shall, at such times as the commission may by rule or regulation require, file with the commission a return, under oath, on forms to be prescribed and furnished by the commission, stating the quantity of fresh grapes shipped by him during the period or periods of time prescribed by the commission. The names of producers in each district for which such shipper has shipped, and such further information as may be necessary in the discretion of the commission to carry out the object and purposes of this chapter.

65603. All information obtained by the commission from shippers shall be confidential and shall not be disclosed except when required in a judicial proceeding.

65604. All assessments imposed by this chapter shall be due and payable and shall be paid to the commission by each shipper. The commission shall, by rule or regulations, prescribe the time and method of payment thereof.

65605. All such assessments shall be paid to the commission by the shipper first shipping such fresh grapes. Every shipper is authorized to collect such assessments from a producer, and shall deduct the assessment from any moneys owed to any such producer. Every shipper shall be primarily and personally liable for the payment of any such assessment, and failure of the shipper to collect the same from any producer shall not exempt any shipper from such primary liability. Any shipper who fails to file a return or pay any assessment within the time required shall thereby forfeit to the commission a penalty of 10 percent of the amount of such assessment determined to be due, but if the commission is satisfied that the delay was excusable, may remit all or any part of such penalty. Such penalty shall be paid to the commission and shall be available for expenditure in the same manner as an assessment.

Article 5. Actions and Penalties

65650. The commission may, if it believes a violation of this chapter or any rule or regulation has occurred, or in the event of nonpayment of any assessment, bring an action in its name for collection of such assessment, civil penalties or for injunctive relief, including specific performance, of any obligation imposed by this chapter or any rule or regulation issued hereunder, or both, against any person violating any provisions of this chapter or any rule or regulation duly issued by the commission hereunder.

If it appears to the court, upon any application for a temporary restraining order or upon the hearing of any order to show cause why a preliminary injunction should not be issued or upon the hearing of any motion for a preliminary injunction, or if the court shall find in any such action that any defendant therein is violating or has violated any provision of

this chapter or any rule or regulation duly issued by the commission hereunder, then the court shall enjoin such defendant from committing further violations and may compel specific performance of any obligation imposed by this chapter or any rule or regulation issued by the commission hereunder.

In any such action, it shall not be necessary to allege or prove that an adequate remedy at law does not exist.

In any such action or proceeding, the court shall award reasonable attorney's fees incurred by the commission therein and shall, upon entry of any final judgment, enjoin any such shipper from further shipping until payment of any judgment entered for money and from further violating or aiding in violation of this chapter or any rule or regulation of the commission.

65650.5. Any person aggrieved by any action of the commission may appeal to the director. The director shall review the record of the proceedings before the commission. If the director finds that the record shows by substantial evidence that the commission's action was not an abuse of discretion or illegal, he shall dismiss such appeal. If he finds such action is not substantially sustained by the record, was an abuse of discretion, or illegal, he may reverse the action of the commission.

Any such decision of the director is subject to judicial review upon petition of the commission or any party aggrieved by the decision.

65651. Any person subject to this chapter and allegedly aggrieved hereby or by any rule, or order of the commission shall comply with and exhaust the appeal procedure prescribed, in accordance with this chapter, by the rules and regulations of the commission, before application to any court for relief therefrom. The decision of the commission, in accordance with such rules and regulations, unless arbitrary or without evidentiary support, shall be final and conclusive.

65652. Any such action may be commenced either in the county in which the defendant or any of the defendants reside or in which any act or omission or part thereof complained of occurred.

65653. It shall be a misdemeanor for:

(a) Any person to violate or aid in the violation of any provision of this chapter or any rule or regulation of the commission.

(b) Any person to willfully render or furnish a false or fraudulent report, statement or record required by the commission pursuant to the provisions of this chapter or any rules or regulations of the commission.

(c) Any person engaged in the shipping of table grapes or in the wholesale or retail trade thereof to fail or refuse to furnish to the commission or its duly authorized agents, upon request, information concerning the name and address of the persons from whom he has received table grapes, regulated hereby, and the quantity of such commodity so received.

65654. Agents of the commission, upon specific written authorization signed by the chairman or secretary of the commission, shall have the right to inspect the premises, books, records, documents and all other instruments of any carrier, railroad, truck, boat, grower, shipper, dealer or retailer for the purpose of enforcing this chapter and collecting the assessments levied under authority of this chapter. In the event of refusal of any person to allow such inspection, the commission may apply to any court for the issuance of a subpoena to compel such inspection.

Article 6. Suspension of Operations

65660. Upon the finding of 11 of the members of the commission that the operation of the provisions of this chapter has not tended to effectuate its declared purposes, the commission may recommend to the director that the operation of this chapter shall be suspended; provided, that any such suspension shall not become effective until the expiration of the marketing season then current. The director shall, upon receipt of such recommendation, or upon a petition being filed with him requesting such suspension, signed by 20 percent of the producers, cause a referendum to be conducted among producers as certified by the commission in accordance with Section 65566, to determine if such operation and the operations of the commission shall be suspended, and shall establish a referendum period, which shall not be less than 10 nor more than 60 days. The director is authorized to prescribe such additional procedure as may be necessary to conduct such referendum.

65661. At the close of the referendum period established, the director shall tabulate the ballots filed during said period. If at least 40 percent of the total number of producers, as established by the director as marketing 40 percent of the total volume marketed by all producers on the list established pursuant to Sections 65559 to 65562, inclusive, during the last completed marketing season, participate in the referendum and the director finds either:

(a) Sixty-five percent or more of the producers who voted in the referendum voted in favor of such suspension, and the producers so voting marketed 51 percent or more of the total quantity of table grapes marketed in the preceding marketing season by all of the producers who voted in the referendum; or

(b) That 51 percent or more of the producers who voted in the referendum voted in favor of such suspension, and that the producers so voting marketed 65 percent or more of the total quantity of table grapes marketed in the preceding season by all of the producers who voted in the referendum;

the director shall declare the operation of the provisions of this chapter and of the commission suspended, effective upon expiration of the marketing season then current.

65662. Upon and after the effective date of suspension of the operation of the provisions of this chapter and of the commission, as herein provided, the operations of the commission shall be wound up and any and all moneys remaining held by the commission, collected by assessment and not required to defray the expenses of winding up and terminating operations of the commission, shall be returned upon a pro rata basis to all persons from whom assessments were collected in the immediately preceding current marketing season; provided further, however, that if the commission finds that the amounts so returnable are so small as to make impractical the computation and remitting of such pro rata refund to such persons, any such moneys remaining and any moneys remaining after payment of all expenses of winding up and terminating operations shall be withdrawn from the approved depository and paid into the State Treasury as unclaimed trust moneys.

65663. Upon suspension of the operation of this chapter and of the commission, as aforesaid, a notice thereof shall be posted on a public bulletin board to be maintained by the director in his office, and a copy of such notice shall be published in a newspaper of general circulation in each district. It shall also be the duty of the commission to mail a copy of the notice of suspension to all producers and shippers affected by such suspension whose names and addresses are on file with the commission.

Article 7. Miscellaneous

65670. Nothing in this chapter contained shall apply to any order, rule or regulation issued or issuable by the Public Utilities Commission or the Interstate Commerce Commission with respect to operation of common carriers.

65671. In any civil or criminal action or proceeding for violation of the Cartwright Act (Section 16700, Business and Professions Code, and following), the Unfair Practices Act (Section 17000, Business and Professions Code, and following), the Fair Trade Act (Section 16900, Business and Professions Code, and following), Section 1673 of the Civil Code, or any rule of statutory or common law against monopolies or combinations in restraint of trade, proof that the act complained of was done in compliance with the provisions of this chapter or a rule or regulation of the commission issued under this chapter and in furtherance of purposes and provisions of this chapter, shall be a complete defense to such action or proceeding.

65673. The commission shall reimburse to the Director of Agriculture all expenses incurred by him in the supervision of elections.

65674. This chapter shall be liberally construed. If any section, clause or part of this chapter is for any reason held to be unconstitutional or invalid as applied to any person or as applied under certain circumstances, such decision shall

not affect the remaining portions of this chapter nor the application of this chapter to other persons or under other circumstances.

Article 8. Termination

65675. The provisions of this chapter shall not be effective after April 30, 1972, except that the operations of the commission shall be wound up as provided in Section 65662.

SEC. 2. There is hereby appropriated fifteen thousand dollars ($15,000) from the General Fund to the Director of Agriculture for the purpose of conducting the election at which the first members of the commission are nominated and the referendum pursuant to Section 65573, as added to the Agricultural Code by this act.

Such funds as are expended under this appropriation shall be repaid to the General Fund by the California Table Grape Commission if the referendum is favorable to the operation of the commission. If the referendum is not favorable to the operation of the commission, the sureties who have agreed to make such payment shall pay the costs of the referendum; if such sureties fail to make such payment, the director shall collect such cost from the sureties' bond or security previously posted.

CHAPTER 1468

An act to amend Section 13055 of, and to repeal Section 13056 of, the Education Code, relating to public school employees.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 13055 of the Education Code is amended to read:

13055. (a) Any person employed on or after July 1, 1963, by a school district, including a district having the merit system as outlined in Article 5 of Chapter 3 of this division, or by a county superintendent of schools, in a position in which 50 percent or more of his duties performed during the school year, whether performed in a particular school or district or countywide, consist of rendering service in directing, coordinating, supervising or administering any portion or all of the types of functions listed below in this section shall hold a valid teaching or service credential, and shall hold a supervision or administration credential, whichever is designated in regulations adopted by the State Board of Education, authorizing the particular service. The board shall establish standards for and issue credentials authorizing such service

if such service is not authorized by an administration or supervision credential which the board is authorized to issue under other provisions of law.

The types of functions are:

(1) The work of instructors and the instructional program for pupils.

(2) Educational or vocational counseling, guidance and placement services.

(3) School extracurricular activities related to, and an outgrowth of, the instructional and guidance program of the school.

(4) Planning courses of study to be used in the public schools of the state.

(5) The selection, collection, preparation, classification or demonstration of instructional materials of any course of study for use in the development of the instructional program in the schools of the state.

(6) The examination, selection, in-service training, or assignment of teachers, principals or other certificated personnel involved in the instructional program.

(7) Research connected with the evaluation and efficiency of the instructional program.

(8) The school health program.

(9) Activities connected with the enforcement of the laws relating to compulsory education, coordination of child welfare activities involving the school and the home, and the school adjustment of pupils.

(10) The school library services.

(11) The preparation and distribution of instructional materials.

(12) The in-service training of certificated personnel.

(13) The interpretation and evaluation of the school instructional program.

(b) Any person who was employed by a district or by a county superintendent of schools before July 1, 1963, to perform any of the services designated by the State Board of Education to require a supervision or administration credential, may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed to perform the same services in that county superintendent's office or in that district in which he was employed on that date, or is continuously employed to perform the same services in a district which results from a reorganization involving the same district.

SEC. 2. Section 13056 of the Education Code is repealed.

CHAPTER 1469

An act to convey certain submerged lands to the City of Needles, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use, and control thereof.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the City of Needles, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all of the submerged lands, whether filled or unfilled, situated within the boundaries of the City of Needles as such boundaries exist on the effective date of this act.

To be forever held by such city and by its successors in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) That the lands shall be used by the city and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities, as may be specified by the city council, after public hearing.

(3) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(5) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and

meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(6) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(b) The city, or its successors shall not at any time, grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the city, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937, and any such franchise shall be effective with respect to the lands.

(c) Within 10 years from the effective date of this act, the lands shall be substantially improved by the city without expense to the state, and if the State Lands Commission determines that the city has failed to improve the lands as herein required, all right, title, and interest of the city in and to all lands granted by this act shall cease and the lands shall revert and rest in the state.

Nothing contained in this act, however, shall preclude expenditures for the development of the lands for any public purpose not inconsistent with commerce, navigation and fishery, by the state, or any board, agency or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The state shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(f) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose.

(g) There is hereby excepted and reserved in the state all deposits of minerals, including oil and gas, in the lands, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands.

(h) Such lands are granted subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of San Bernardino County.

(j) The city shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon.

CHAPTER 1470

An act to add Section 31649.5 to the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 31649.5 is added to the Government Code, to read:

31649.5. Notwithstanding the provisions of Section 31649, any member who resigned to enter and did enter the armed

forces of the United States or who obtained a leave of absence to enter and did enter the armed forces of the United States and returned to county service within one year after separation from the armed forces of the United States shall receive credit for service and prior service in the retirement association for all or any part of his service in the armed forces for which he receives no retirement pay from the United States if he elects to pay and does pay prior to retirement into the retirement fund an amount equal to the contributions he would have made to the fund on his compensation earnable at the time he resigned or received the leave of absence.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

CHAPTER 1471

An act to amend Section 31720.5 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 31720.5 of the Government Code is amended to read:

31720.5. If a safety member, a fireman member, or a member in active law enforcement who has completed five years or more of service under a pension system established pursuant to Chapter 4 or under a pension system established pursuant to Chapter 5 or both or under this retirement system or under the State Employees' Retirement System or under a retirement system established under this chapter in another county, and develops heart trouble, it shall be presumed in any proceeding under this chapter, by the board and the court in the absence of evidence to the contrary, that such heart trouble is an injury or disease occurring in and arising out of his employment. Should any member die from a heart ailment, after five years or more of service, he must be in the service of the county or district or on leave of absence on account of illness at the time of his death in order to receive the benefits of this section.

As used in this section, "fireman member" means a member engaged in active fire suppression who is not classified as a safety member.

As used in this section, "member in active law enforcement" means a member engaged in active law enforcement who is not classified as a safety member.

CHAPTER 1472

An act to add Section 30463 to the Revenue and Taxation Code, relating to cigarette tax revenues, and making an appropriation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 30463 is added to the Revenue and Taxation Code, to read:

30463. There is hereby appropriated from the Cigarette Tax Fund an amount equal to seventy percent (70%) of the money in the fund which is derived from the tax imposed pursuant to Article 3 (commencing with Section 30131) of Chapter 2 of this part, such money to be allocated by the Controller on or before December 15, 1967, to each city, city and county, and county in this state in the proportion that sales tax revenues transmitted pursuant to Part 1.5 (commencing with Section 7200) of this division to each such city, city and county and in the unincorporated territory of a county bears to the total of such revenue in the state.

The appropriation and allocations specified by this section are in addition to the allocations specified in subdivision (e) of Section 30462. The money allocated pursuant to this section shall be used for the purposes set forth in Section 151 of Chapter 963 of the Statutes of the 1967 Regular Session of the Legislature.

SEC. 2. It is the intent and purpose of the Legislature in adopting this act and Chapter 963 of the Statutes of the 1967 Regular Session to allocate to local government all of the revenue derived from the additional floor stocks and indicia adjustment taxes imposed pursuant to Article 3 (commencing with Section 30131) of Chapter 2 of Part 13 of Division 2 of the Revenue and Taxation Code, as well as thirty percent (30%) of the revenue derived on and after 12:01 o'clock a.m. on October 1, 1967, from the tax imposed pursuant to Section 30101 of the Revenue and Taxation Code.

SEC. 3. This act shall become operative on October 1, 1967.

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 such necessity are:

In order that the intent and purpose of this act as expressed in Section 2 above may be fully effectuated, it is necessary that this act take effect immediately.

CHAPTER 1473

An act to add Section 1605.1 to, and to amend Section 1609 of, the Revenue and Taxation Code, relating to applications for assessment reductions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1605.1 is added to the Revenue and Taxation Code, to read:

1605.1. Nothing in Section 1605 of this code shall be construed as permitting any violation of Section 408 or Section 451 of this code.

SEC. 2. Section 1609 of the Revenue and Taxation Code is amended to read:

1609. On the hearing of the application, the county board may subpoena witnesses and books, records, maps, and documents and take evidence in relation to the inquiry. The assessor may introduce new evidence of full cash value of a parcel of property at the hearing and may also introduce information obtained pursuant to Section 441.

No subpoena to take depositions shall be issued nor shall depositions be considered for any purpose by the county board or the assessment appeals board.

SEC. 3. 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 such necessity are:

In order for the provisions of this act, prohibiting the issuance of subpoenas to take depositions to apply to equalization proceedings for the 1967–1968 assessment year, it is necessary that this act go into immediate effect.

CHAPTER 1474

An act to amend Section 20017.6 of the Government Code, relating to forestry members.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 20017.6 of the Government Code is amended to read:

20017.6. "Forestry member" includes members employed in the Division of Forestry, Department of Conservation,

whose principal duties consist of active fire suppression or supervision including, but not limited to, members employed to perform duties now performed under the following titles: State Forester, all classes of rangers, all classes of deputy state forester, all classes of fire prevention and law enforcement officers, all classes of foresters, all classes of forestry foreman, all classes of forestry trainees, all classes of forestry job corps conservation center managers, supervisors, all classes of forestry equipment and civil engineers, forestry superintendent, conservation camps, forest firetruck driver, forestry fireman, forest firefighter, equipment maintenance foreman, forestry equipment operator; provided however that forestry members shall not include members employed in classes other than those set forth in this section whose principal duties are clerical or such as otherwise clearly do not fall within the scope of active fire suppression.

CHAPTER 1475

An act to amend Sections 4161, 4175, and 4177 of, and to repeal Section 4168 of, the Business and Professions Code, and to amend the heading of Chapter 13 (commencing with Section 28740) of Division 21 of, and to amend Sections 28740, 28743, 28744, 28753, 28755, 28760, 28761, 28762, 28763, 28764, 28765, 28766, 28770, 28771, 28776, 28782, 28783, 28784, 28785 and 28790 of, and to add Sections 28744.1, 28756, 28757, 28758, 28772, 28775.1, 28775.2, 28791 and 28792 to, the Health and Safety Code, relating to hazardous substances.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 4161 of the Business and Professions Code is amended to read:

4161. No person shall vend, sell, give away or furnish, either directly or indirectly, any poisons enumerated in Schedules "A," "B," "C," and "D" in Section 4160, unless there is affixed to the package, box, bottle or paper a label which meets all requirements of the California Hazardous Substances Act, Chapter 13 (commencing with Section 28740), Division 21, of the Health and Safety Code.

SEC. 1.2. Section 4168 of the Business and Professions Code is repealed.

SEC. 1.4. Section 4175 of the Business and Professions Code is amended to read:

4175. None of the provisions of this article shall apply to the sale of economic poisons defined in Chapter 2 (commencing with Section 12751) of Division 7 of the Agricultural

Code and registered thereunder and sold in an unbroken original container when labeled as specified in Section 4161, except that the provisions shall apply to ant poisons containing more than four-tenths percent (0.4%) total arsenic and to preparations containing more than two percent (2.0%) total nux vomica alkaloids.

SEC. 1.6. Section 4177 of the Business and Professions Code is amended to read:

4177. The board shall adopt a schedule of what in their judgment are the most suitable common antidotes for the various poisons usually sold to serve as a reference for developing precautionary labeling. The board shall have the schedule of antidotes printed and shall forward by mail one copy to each person registered upon their books, and to any other person applying for it. The board may revise and amend the list of antidotes from time to time, as they deem advisable.

SEC. 2. The heading of Chapter 13 (commencing with Section 28740) of Division 21 of the Health and Safety Code is amended to read:

CHAPTER 13. CALIFORNIA HAZARDOUS SUBSTANCES ACT

SEC. 2. Section 28740 of the Health and Safety Code is amended to read:

28740. This chapter shall be known as the California Hazardous Substances Act.

SEC. 3. Section 28743 of the Health and Safety Code is amended to read:

28743. The term "hazardous substance" means:

(a) Any substance or mixture of substances which (1) is toxic, (2) is corrosive, (3) is an irritant, (4) is a strong sensitizer, (5) is flammable, or (6) generates pressure through decomposition, heat, or other means; if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.

(b) Any substances which the department by regulation finds pursuant to the provisions of Section 28775 meet the requirements of subdivision (a) of this section.

(c) Any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the department determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this chapter in order to protect the public health.

SEC. 4. Section 28744 of the Health and Safety Code is amended to read:

28744. The term "hazardous substance" shall not apply to any of the following:

(a) Foods, drugs, or cosmetics subject to the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040) or Chapter 1 (com-

mencing with Section 26001), or Chapter 2 (commencing with Section 26200) or Chapter 3 (commencing with Section 26450) of this division.

(b) Substances intended for use as fuels when stored in containers and used in the heating, cooking, or refrigeration system of a house.

(c) Source material, special nuclear material, or byproduct material, as defined in the Atomic Energy Act of 1954 (68 Stat. 919), as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

(d) Fertilizing materials regulated by Chapter 5 (commencing with Section 14501), Division 7, of the Agricultural Code.

(e) Livestock remedies regulated by Chapter 3 (commencing with Section 14201), Division 7, of the Agricultural Code

(f) Economic poisons regulated by Chapter 2 (commencing with Section 12751), Division 7, of the Agricultural Code, except as provided in Section 28744.1.

(g) Economic poisons subject to the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163), except as provided in Section 28744.1.

(h) Injurious substances as defined and regulated by Article 85 (commencing with Section 4201), Group 9, Subchapter 7, Chapter 4, Title 8, California Administrative Code.

SEC. 5. Section 28744.1 is added to the Health and Safety Code, to read:

28744.1. The term "hazardous substance" shall apply to any article which is not itself an economic poison within the meaning of the Federal Insecticide, Fungicide and Rodenticide Act or Chapter 2 (commencing with Section 12751) of Division 7, of the Agricultural Code of this state, but which is a hazardous substance within the meaning of Section 28743 by reason of bearing or containing such an economic poison.

SEC. 6. Section 28753 of the Health and Safety Code is amended to read:

28753. "Label" means a display of written, printed, or graphic matter upon the immediate container of any substance or, in the case of an article which is unpackaged or is not packaged in an immediate container intended or suitable for delivery to the ultimate consumer, a display of such matter directly upon the article involved, or upon a tag or other suitable material affixed thereto, and a requirement made by, or pursuant to, this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears (a) on the outside container or wrapper, if any there be, unless it is easily legible through the outside container or wrapper and (b) on all accompanying literature where there are directions for use, written or otherwise.

SEC. 7. Section 28755 of the Health and Safety Code is amended to read:

28755. The term "misbranded hazardous substance" means a hazardous substance (including a toy or other article intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted) intended, or packaged in a form suitable for use in the household or by children, which substance, except as otherwise provided by, or pursuant to Section 28775, 28778 or 28779, fails to bear a label which satisfies each of the following requirements:

(a) States conspicuously (1) the name and place of business of the manufacturer, packer, distributor, or seller; (2) the common or usual name or the chemical name, if there be no common or usual name, of the hazardous substance or of each component which contributes substantially to its hazard, unless the department by regulation permits or requires the use of a recognized generic name; (3) the signal word "DANGER" on substances which are extremely flammable, corrosive, or highly toxic; (4) the signal word "WARNING" or "CAUTION" on all other hazardous substances; (5) an affirmative statement of the principal hazard or hazards, such as "Flammable," "Vapor harmful," "Causes burns," "Absorbed through skin," or similar wording descriptive of the hazard; (6) precautionary measures describing the action to be followed or avoided, except when modified by the department pursuant to Section 28775, 28775.1, 28775.2, 28778, or 28779; (7) instructions, when necessary or appropriate, for first aid treatment; (8) the word "Poison" for any hazardous substance which is defined as "highly toxic" by Section 28748; (9) instructions for handling and storage of packages which require special care in handling or storage; and (10) the statement "Keep out of the reach of children," or its practical equivalent, or if the article is intended for use by children and is not a banned hazardous substance, adequate directions for the protection of children from the hazard, and

(b) On which any statements required pursuant to subdivision (a) of this section are printed as prescribed in Chapter 10 (commencing with Section 25900) of Division 20 of this code.

SEC. 8. Section 28756 is added to the Health and Safety Code, to read:

28756. The term "banned hazardous substance" means:

(a) Any toy, or other article intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted, or

(b) Any hazardous substance intended or packaged in a form suitable, for use in the household, which the department by regulation classifies as a "banned hazardous substance" on the basis of a finding that, notwithstanding such cautionary labeling as is or may be required under this chapter for that

substance, the degree or nature of the hazard involved in the presence or use of such substance in households is such that the objective of the protection of the public health and safety can be adequately served only by keeping such substance, when so intended or packaged out of the channels of intrastate commerce.

SEC. 8.1. Section 28757 is added to the Health and Safety Code, to read:

28757. The department, by regulation, shall exempt from the provisions of subdivision (a) of Section 28756, (1) articles such as chemical sets, which by reason of their functional purpose require the inclusion of the hazardous substance involved and which bear labeling giving adequate directions and warnings for safe use and are intended for use by children who have attained sufficient maturity, and may reasonably be expected to read and heed such directions and warnings and (2) fireworks subject to control under Part 2, Division 11 (commencing with Section 12500) of this code.

SEC. 8.2. Section 28758 is added to the Health and Safety Code, to read:

28758. Proceedings for the issuance, amendment, or repeal of regulations pursuant to subdivision (b) of Section 28756 and Section 28757 shall be in the manner prescribed in Section 28776. If the department, however, finds that the distribution for household use of the hazardous substance involved presents an imminent hazard to the public health, it may by order publish a notice of such findings, and thereupon such substance when intended or offered for household use or when so packaged as to be suitable for such use shall be deemed to be a "banned hazardous substance" pending the completion of proceedings relating to the issuance of such regulations.

SEC. 9. Section 28760 of the Health and Safety Code is amended to read:

28760. The manufacture, production, preparation, compounding, packing, selling, offering for sale, or keeping for sale within the State of California, or the introduction into this state from any other state, territory, or the District of Columbia, or from any foreign country, of any package of a misbranded hazardous substance or banned hazardous substance is prohibited.

SEC. 10. Section 28761 of the Health and Safety Code is amended to read:

28761. Any person who imports or receives from any other state or territory or the District of Columbia or from any foreign country, or who having so received delivers for pay or otherwise or offers to deliver to any other person, any misbranded hazardous substance or banned hazardous substance or any person who shall manufacture or produce, prepare or compound, or pack or sell, or offer for sale, or keep for sale in the State of California any such misbranded haz-

ardous substance or banned hazardous substance, shall be guilty of a misdemeanor punishable as provided in Section 28770.

SEC. 11. Section 28762 of the Health and Safety Code is amended to read:

28762. The packing, selling, offering for sale, or keeping for sale of a hazardous substance in a reused food, drug, or cosmetic container or in a container which, though not a reused container, is identifiable as a food, drug, or cosmetic container by its labeling or by other identification, is unlawful. Such an act shall result in the hazardous substance being in a misbranded package. As used in this section, the terms "cosmetic," "drug" and "food" shall have the same meaning as in Chapter 1 (commencing with Section 26001), Chapter 2 (commencing with Section 26200) and in Chapter 3 (commencing with Section 26450) of this division.

SEC. 12. Section 28763 of the Health and Safety Code is amended to read:

28763. The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a hazardous substance is unlawful if such act results in such article being a misbranded hazardous substance or banned hazardous substance.

SEC. 13. Section 28764 of the Health and Safety Code is amended to read:

28764. It shall be unlawful to refuse to permit entry or inspection authorized by Section 28781 or to permit access to and copying of any record as authorized by Section 28771.

SEC. 14. Section 28765 of the Health and Safety Code is amended to read:

28765. No person shall be prosecuted under the provisions of this chapter if, after receipt of a hazardous substance, he can establish a guarantee or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the hazardous substance, to the effect that the hazardous substance is not a misbranded hazardous substance or a banned hazardous substance within the meaning of these terms, as defined by this chapter.

SEC. 15. Section 28766 of the Health and Safety Code is amended to read:

28766. If the guarantee is to the effect that such article is not misbranded or banned within the meaning of the Federal Hazardous Substances Act (Public Law 86-813, 74 Stat. 372), it shall be sufficient for all the purposes of this chapter and have the same force and effect as though it referred to this chapter whether given by a person residing in the United States or elsewhere.

SEC. 16. Section 28770 of the Health and Safety Code is amended to read:

28770. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars ($25) or more than five hundred dollars ($500), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

If the violation is committed with intent to defraud or mislead, or after a conviction of such person under this section has become final, such person shall be subject to imprisonment for not more than one year in the county jail, or a fine of not more than one thousand dollars ($1,000), or both such imprisonment and fine.

SEC. 17. Section 28771 of the Health and Safety Code is amended to read:

28771. For the purpose of enforcing the provisions of this chapter, carriers engaged in commerce, and persons receiving or holding hazardous substances shall upon the request of an agent of the department, permit such agent, at reasonable times, to have access to and to copy all records showing the movement of any such hazardous substance, or the holding thereof during or after such movement, and the quantity, shipper, and consignee thereof, provided, that evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained, provided, further, that carriers shall not be subject to the provisions of this chapter by reason of their receipt, carriage, holding, or delivery of hazardous substances in the usual course of business as carriers.

As used in this section, "carrier" means a person engaged in transporting property from one place to another and who has no other interest in the ownership of the property.

SEC. 18. Section 28772 is added to the Health and Safety Code, to read:

28772. Before any violation of this chapter is reported to the district attorney of the county, or the prosecuting officer of the city, for institution of a criminal proceeding the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his view, either orally or in writing, with regard to each contemplated proceeding.

SEC. 19. Section 28775.1 is added to the Health and Safety Code, to read:

28775.1. Whenever in the judgment of the department such action will promote the objectives of this chapter by avoiding or resolving uncertainty as to its application, the department may by regulation declare to be a hazardous substance, for the purpose of this chapter, any substance or mixture of substances which it finds meet the requirements of Section 28743.

SEC. 20. Section 28775.2 is added to the Health and Safety Code, to read:

28775.2. If the department finds that the requirements of Section 28755 are not adequate for the protection of the public

health and safety in view of the special hazard presented by any particular hazardous substance, it may by regulation establish such reasonable variations or additional label requirements as it finds necessary for the protection of the public health and safety; and any such hazardous substance intended, or packaged in a form suitable, for use in the household or by children, which fails to bear a label in accordance with such regulations shall be deemed to be a misbranded hazardous substance.

SEC. 21. Section 28776 of the Health and Safety Code is amended to read:

28776. The regulations shall be adopted by the department in the manner prescribed by Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code. Such regulations shall conform as nearly as practicable with regulations promulgated by the United States Department of Health, Education, and Welfare, Food and Drug Administration.

SEC. 22. Section 28782 of the Health and Safety Code is amended to read:

28782. Whenever a duly authorized agent of the department finds, or has probable cause to believe, that any hazardous substance is so misbranded as to be dangerous or fraudulent or is a banned hazardous substance, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, misbranded and has been detained or quarantined, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by the department or the court.

SEC. 23. Section 28783 of the Health and Safety Code is amended to read:

28783. Whenever the findings of the department show, after investigation and examination, that any hazardous substance found in the possession of any person is misbranded, or banned, the hazardous substance may be seized and quarantined.

SEC. 24. Section 28784 of the Health and Safety Code is amended to read:

28784. A hazardous substance found to be misbranded, or to be a banned hazardous substance may, by order of a court or judge, or in the absence of such order, with the written consent of the owner thereof, be seized or destroyed.

SEC. 25. Section 28785 of the Health and Safety Code is amended to read:

28785. When a misbranded hazardous substance or a banned hazardous substance is detained or quarantined under this article, the department shall commence proceedings in the name of the people of the State of California against such article in the superior court of the county or city and county in which the article is detained or quarantined by petitioning the court for a judgment to forfeit, condemn, and destroy such

article. Upon the filing of such petition, the clerk of the court shall fix a time and place for the hearing thereof, and cause notices thereof to be prepared notifying all persons who may claim an interest in the article of the time and place of the hearing. A copy of the petition and notice shall be posted for 14 days in at least three public places in the city or city and county where the court is held, and in a conspicuous place where such article is detained or quarantined. A copy of the petition and notice shall also be served upon each person in possession of the article and on each owner or claimant whose name and address is known. The service may be made by personal service or by registered mail by mailing a copy of such notice and petition by registered mail to the last known address of such person. At any time prior to the date of the hearing any person in possession of the article, or owner thereof or claimant thereto, may file an answer which may include a prayer for a judgment of release of such article or relief in accordance with Sections 28787 and 28788. At the time set for the hearing, the court shall commence to hear and determine the proceeding, but may, for good cause shown, continue the hearing to a day certain; provided, the court shall finally determine all the issues presented by the petition.

SEC. 26. Section 28790 of the Health and Safety Code is amended to read:

28790. The department shall submit to the Governor for submission to the Legislature in January of each odd-numbered year, a report of the activities of the department under this chapter during the preceding 24 months, together with any recommendations for additional legislation which it may have.

SEC. 27. Section 28791 is added to the Health and Safety Code, to read:

28791. In addition to the remedies heretofore provided, the department is hereby authorized to bring an action in superior court and such court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of this chapter. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedures, except that the department shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

SEC. 28. Section 28792 is added to the Health and Safety Code, to read:

28792. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.

CHAPTER 1476

An act to add Sections 13856.1, 13856.2, 13907.1, 14201.1, and 14215.1 to, and to amend Section 14219 of, the Education Code, relating to teachers' retirement.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 13856.1 is added to the Education Code, to read:

13856.1. Earned interest not applied to costs of administration as provided in Section 14215.1 shall remain in the Retirement Annuity Fund, the Annuity Deposit Fund, the Permanent Fund, and other accumulated reserves as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

SEC. 2. Section 13856.2 is added to the Education Code, to read:

13856.2. The Retirement Board shall annually review the proposed budget of the costs of administration for the following fiscal year, and, on the basis of such budgeted amounts and the estimated prospective number of persons to be employed as members of the system during the next fiscal year, determine the total amount required as employer contributions for administrative expenses under Section 14215.1 and the additional per member contribution required from each employer under Section 14201.1. The board shall make said determination on or before April 30th, and shall on or before May 15th notify all county superintendents of schools regarding the rate determined for the following fiscal year. If the total contributions collected under such a determination is found to be greater or less than were necessary to meet 25 percent of the total administrative costs of a given fiscal year, the board shall take such difference into consideration in its determination of the total contribution required in subsequent years.

SEC. 3. Section 13907.1 is added to the Education Code, to read:

13907.1. In addition to the provisions of Section 13907, the costs of the administration of the retirement system shall also be paid from employer contributions provided under Section 14201.1 and from allocations of funds arising from interest income from the Retirement Fund, in the manner provided under Section 14215.1

SEC. 4. Section 14201.1 is added to the Education Code, to read:

14201.1. In addition to the contribution provided in Section 14201, each school district or other employing agency employing one or more members of the system shall contribute semiannually to the Permanent Fund an amount, not to exceed one dollar ($1) for each member employed, as determined by the Retirement Board, to meet the employer's share of

administrative expenses required under Section 14215.1. The provisions of Section 14203 shall be applicable to the contributions required by this section.

SEC. 5. Section 14215.1 is added to the Education Code to read:

14215.1. Notwithstanding any provision to the contrary in Section 14215, the costs of administration of the California State Teachers' Retirement System shall be provided in the following manner:

(a) Fifty percent of the total annual costs of administration shall be met from contributions by the state.

(b) Twenty-five percent of the total annual costs of administration shall be paid from interest income earned by the Teachers' Retirement Fund. The total to be paid from such interest income in any fiscal year shall not exceed a sum equivalent to ten-hundredths (0.10) of 1 percent of the book value of the fund's investments on June 30th of the preceding fiscal year.

(c) Twenty-five percent of the total annual costs of administration shall be paid from that portion of the employer's semiannual contributions exceeding six dollars ($6) per member provided under Section 14201.

SEC. 6. Section 14219 of the Education Code is amended to read:

14219. (a) At the beginning of each fiscal year the retirement system shall pay to each local district maintaining a local retirement system under Chapter 5 (commencing with Section 14501) the following amounts

(1) From the Teachers' Retirement Fund, an amount (i) equal to the difference with respect to all service rendered by persons whose retirement is effective prior to July 1, 1947, and with respect to service rendered prior to July 1, 1944, by persons whose retirement is effective after June 30, 1947, and (ii) equal to one-half the difference with respect to service rendered after June 30, 1944, by persons whose retirement is effective after June 30, 1947, and prior to February 1, 1965, and (iii) equal to all the difference, minus the portions of the allowances which would have been provided under this retirement system by accumulated annuity contributions if there had been no local retirement system, with respect to service rendered after June 30, 1944, by persons whose retirement is effective after January 31, 1965, between the retirement allowances paid from the Teachers' Retirement Fund during the preceding year to or on account of persons who are entitled to receive retirement allowances from the local retirement system, and the retirement allowances which would have been paid during the preceding year to or on account of those persons if they were not entitled to receive retirement allowances from the local retirement system.

(2) From the Teachers' Retirement Fund, an amount equal to the difference between the death benefits paid from the Teachers' Retirement Fund during the preceding year on

account of persons who qualified for death benefits under the local retirement system, and the death benefit which would have been paid during the preceding year on account of such persons if they had not qualified for death benefits from the local retirement system, all regardless of elections of survivor allowances under Section 14366.

(b) The amounts paid under subdivision (a) of this section by the retirement system to each local district maintaining a local retirement system shall be reflected in the records of the system as having been made from the Retirement Annuity Fund and they shall not be used to reduce the contributions required of members of the local retirement system or to increase the benefits payable by the local retirement system, but shall be applied to reduce the cost of support of the local retirement system to the taxpayers of the local district maintaining the local retirement system.

(c) The state shall contribute annually to the Teachers' Retirement Fund the amounts required to be paid from said fund under subdivision (a) of this section.

The local district maintaining a local retirement system shall defray any actual and necessary expenses of the State Retirement System in bringing the accounts of local members up to date for the purposes of the utilization of the provisions of this section by the local district in order to maintain the local district's retirement system. The local district shall defray any actual and necessary expenses incurred in maintaining these accounts on a year-to-year basis. These expenses shall be defrayed from the accumulated contributions by the local district to the local retirement system. The amount to be paid pursuant to this paragraph by a local district maintaining a local retirement system to the State Retirement System in any fiscal year shall not exceed the product of three dollars ($3) multiplied by the number of local members actually retiring in that year.

SEC. 7. This act shall become operative on July 1, 1968, and Sections 1 to 5, inclusive, of this act shall be operative only until June 30, 1973.

CHAPTER 1477

An act to amend Sections 74702, 74703 and 74703.1 of the Government Code, relating to the courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 74702 of the Government Code is amended to read:

74702. There shall be one clerk who shall receive a minimum salary of six hundred seventy-six dollars ($676) monthly

with annual increments of thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), and thirty-nine dollars ($39), to a maximum of eight hundred twenty-one dollars ($821).

SEC. 2. Section 74703 of the Government Code is amended to read:

74703. The clerk may appoint:

(a) One assistant clerk who shall receive a minimum salary of five hundred thirty dollars ($530) monthly with annual increments of twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), and thirty-one dollars ($31), to a maximum of six hundred forty-four dollars ($644).

(b) Four deputy clerks, grade III, each of whom shall receive a minimum salary of four hundred fifty-eight dollars ($458) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-six dollars ($26) to a maximum of five hundred fifty-six dollars ($556).

(c) Five deputy clerks, grade II, each of whom shall receive a minimum salary of four hundred fifteen dollars ($415) monthly with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23) and twenty-four dollars ($24), to a maximum of five hundred five dollars ($505).

(d) Five deputy clerks, grade I, each of whom shall receive a minimum salary of three hundred fifty-eight dollars ($358) monthly, with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-one dollars ($21), to a maximum of four hundred thirty-six dollars ($436).

SEC. 3. Section 74703.1 of the Government Code is amended to read:

74703.1. Certain classes of employment in the municipal courts are deemed to be equivalent in job and salary level to certain classes in the service of the County of Sonoma, and, whenever the salary of said classes in the service of the County of Sonoma is adjusted by the board of supervisors, the salary of the comparable classes in the municipal courts shall be adjusted a like extent. Such adjustment shall be effective on the same date as the effective date of the action by the board of supervisors, as it applies to the classes in the service of the county, but such adjustments shall be effective only until the 61st day after the adjournment of the next regular session of the Legislature which commences thereafter.

(a) The class of clerk of the municipal court is equivalent in job and salary level to the class of assistant county clerk.

(b) The class of assistant clerk, municipal court, is equivalent in job and salary level to the class of executive secretary.

(c) The class of deputy clerk III is equivalent in job and salary level to the class of clerk typist IV.

(d) The class of deputy clerk II is equivalent in job and salary level to the class of clerk typist III.

(e) The class of deputy clerk I is equivalent in job and salary level to the class of clerk typist II.

CHAPTER 1478

An act to amend Sections 381, 382, 383, and 388 of the Health and Safety Code, relating to nursing education scholarships.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 381 of the Health and Safety Code is amended to read:

381. There shall be available at least 10 scholarships per year. The scholarships shall be available to any registered nurse who is enrolled in one of the following accredited nursing programs in a college or university in California which is accredited by the Western Association of Schools and Colleges:

(a) The junior or senior year in a bachelor's degree program in nursing.

(b) A program supplementary to a bachelor's degree program in nursing required for admission to master's level studies, in nursing.

(c) A master's degree or a post-master's program in teaching or supervision in a clinical nursing area.

SEC. 2. Section 382 of the Health and Safety Code is amended to read:

382. No person shall be awarded a scholarship under subdivision (a) or (b) of Section 381 unless:

(a) He is a resident of California.

(b) He is licensed as a registered nurse by this state.

(c) He has complied with all the rules and regulations adopted pursuant to this article.

(d) He has agreed that he will continue his education to completion of the bachelor's degree or a program supplemental to a bachelor's degree required for admission to master level studies in nursing, and that after completion of the requirements of Section 381 (a) or (b), and within a period of time to be determined by the State Department of Public Health will enroll in an accredited master's degree program in teaching or supervision in a clinical nursing area.

(e) He agrees that immediately upon completion of his graduate study, either master's degree or post-master's program, he will assume an employment obligation in California in teaching or supervision in a clinical nursing area, for not less than one year.

SEC. 3. Section 383 of the Health and Safety Code is amended to read:

383. No person shall be awarded a scholarship under subdivision (c) of Section 381 unless he satisfies the requirements prescribed by subdivisions (a), (b), (c), and (e) of Section 382.

SEC. 4. Section 388 of the Health and Safety Code is amended to read:

388. Each scholarship under this article is for the period of no more than one academic year, and the award shall be:

(a) For a person qualifying under subdivision (a) or (b) of Section 381, the sum of two hundred dollars ($200) per month for 10 months, plus school fees.

(b) For a person qualifying under subdivision (c) of Section 381, the sum of two hundred fifty dollars ($250) per month for 12 months, plus school fees.

CHAPTER 1479

An act to amend Sections 17501, 17733, 18402, 18451, 19053, 19053.9 and 19262 of, to add Sections 17041.1, 17054, 17055 and 18412 to, the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately, tax levy.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 17041.1 is added to the Revenue and Taxation Code, to read:

17041.1. If the amount of tax otherwise due under Section 17041 after deducting the credits allowable under this part is one dollar ($1) or less, an additional credit in the amount of the tax due may be claimed. In no case, however, may the credit exceed one dollar ($1) regardless of whether a single, joint, estate or trust return is filed.

SEC. 2. Section 17054 is added to the Revenue and Taxation Code, to read:

17054. In the case of individuals computing their tax under Section 17041 or Section 17048, the following credits for personal exemption may be deducted from the tax imposed.

(a) In the case of a single individual, a credit of twenty-five dollars ($25).

(b) In the case of a head of household or a married individual, a credit of fifty dollars ($50). A husband and wife shall receive but one credit for personal exemption of fifty dollars ($50). If the husband and wife make separate returns, the credit may be taken by either or divided between them. If one spouse was a resident for the entire year and the other spouse was a nonresident for all or any portion of the taxable

year, the personal exemption shall be divided equally and the portion deductible by the nonresident shall be determined under Section 17055. The preceding sentence shall not apply to a nonresident active member of the armed forces of the United States or any auxiliary branch thereof and his or her spouse.

(c) Except as provided in Section 17057(e), a credit of eight dollars ($8) for each dependent (as defined in Section 17056)—

(1) Whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than six hundred dollars ($600), or

(2) Who is a child of the taxpayer and who (A) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (B) is a student.

(3) No exemption shall be allowed under this subdivision for any dependent who has made a joint return with his spouse under Section 18402 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

(4) For purposes of paragraph (2), the term "child" means an individual who (within the meaning of Section 17182) is a son, stepson, daughter or stepdaughter of the taxpayer.

(5) For purposes of paragraph (2)(B), the term "student" means an individual who during each of five calendar months during the calendar year in which the taxable year of the taxpayer begins—

(A) Is a full-time student at an educational institution; or

(B) Is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational institution or of a state or political subdivision of a state.

For purposes of this paragraph, the term "educational institution" means only an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on.

(d) A credit for personal exemption of eight dollars ($8) for the taxpayer if he is blind at the close of his taxable year.

(e) A credit for personal exemption of eight dollars ($8) for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(f) For the purposes of this section, an individual is blind only if either: his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

SEC. 2.5. Section 17055 is added to the Revenue and Taxation Code, to read:

17055. (a) Any individual, other than an active member of the armed forces of the United States or any auxiliary branch thereof, and his or her spouse, who is a nonresident for all or any portion of the taxable year shall deduct the minimum standard deduction provided by Section 17171 and the credits for personal exemptions set forth in this chapter in the proportion that such individual's adjusted gross income from California sources bears to his adjusted gross income from all sources.

(b) An individual subject to the provisions of subdivision (a) must apportion the deduction provided for by Section 17171, regardless of the amount of his adjusted gross income, and shall not be permitted to determine his tax under the tax table provided in Section 17048.

SEC. 3. Section 17501 of the Revenue and Taxation Code is amended to read:

17501. A trust created or organized in the United States and forming part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall constitute a qualified trust under this article—

(a) If contributions are made to the trust by such employer, or employees, or both, or by another employer who is entitled to deduct his contributions under Section 17516(b) (relating to deduction for contributions to profit-sharing and stock bonus plan), for the purpose of distributing to such employees or their beneficiaries the corpus and income of the fund accumulated by the trust in accordance with such plan;

(b) If under the trust instrument it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, purposes other than for the exclusive benefit of his employees or their beneficiaries;

(c) If the trust, or two or more trusts, or the trust or trusts and annuity plan or plans are designated by the employer as constituting parts of a plan intended to qualify under this section which benefits either—

(1) Seventy percent or more of all the employees, or 80 percent or more of all the employees who are eligible to benefit under the plan if 70 percent or more of all the employees are eligible to benefit under the plan, excluding in each case employees who have been employed not more than a minimum period prescribed by the plan, not exceeding five years, employees whose customary employment is for not more than 20 hours in any one week, and employees whose customary employment is for not more than five months in any calendar year, or

(2) Such employees as qualify under a classification set up by the employer and found by the Franchise Tax Board not

to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees; and

(d) If the contributions or benefits provided under the plan do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees.

(e) A classification shall not be considered discriminatory within the meaning of subdivision (c)(2) or (d) merely because it excludes employees the whole of whose remuneration constitutes "wages" under Section 3121(a)(1) of the Internal Revenue Code (relating to the Federal Insurance Contribution Act) or merely because it is limited to salaried or clerical employees. Neither shall a plan be considered discriminatory within the meaning of such provisions merely because the contributions or benefits of or on behalf of the employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, or merely because the contributions or benefits based on that part of an employee's remuneration which is excluded from "wages" by Section 3121(a)(1) of the Internal Revenue Code, or of the California Unemployment Insurance Act differ from the contributions or benefits based on employee's remuneration not so excluded, or differ because of any retirement benefits created under state or federal law.

(f) A plan shall be considered as meeting the requirements of subdivision (c) during the whole of any taxable year of the plan if on one day in each quarter it satisfied such requirements.

(g) If the trust or plan meets the requirements of Public Law 87-792, 76 U.S. Stats. 809, approved October 10, 1962 (the Self-Employed Individuals Tax Retirement Act of 1962), but no deduction shall be allowed for contributions made to such plan or trust by the employer, or employee, or both.

SEC. 4. Section 17733 of the Revenue and Taxation Code is amended to read:

17733. An estate shall be allowed a credit against the tax imposed of ten dollars ($10). A trust shall be allowed a credit against the tax imposed of one dollar ($1) The credits allowed by this section shall be in lieu of the credits allowed under Section 17054 (relating to credit for personal exemption).

SEC. 5. Section 18402 of the Revenue and Taxation Code is amended to read:

18402. If a husband and wife have for the taxable year an aggregate adjusted gross income of over five thousand five hundred dollars ($5,500), or an aggregate gross income of over six thousand dollars ($6,000)—

(a) Each shall make such a return, or

(b) The income of each shall be included in a single joint return, in which case the tax shall be computed on the aggre-

gate income, as provided in Section 17045. No joint return shall be made if; (1) one spouse was a resident for the entire year and the other spouse was a nonresident for all or any portion of the taxable year (this exception shall not apply if the nonresident or his or her spouse was an active member of the armed forces or any auxiliary branch thereof during the taxable year), or (2) husband and wife have different taxable years; except that if such taxable years begin on the same day and end on different days because of the death of either or of both, then the joint return may be made with respect to the taxable year of each The above exception shall not apply if the surviving spouse remarries before the close of his taxable year, nor if the taxable year of either spouse is a fractional part of a year under Section 17553.

(c) In the case of the death of one spouse or both spouses the joint return with respect to the decedent may be made only by his executor or administrator; except that in the case of the death of one spouse the joint return may be made by the surviving spouse with respect to both himself and the decedent if (1) no return for the taxable year has been made by the decedent, (2) no executor or administrator has been appointed, and (3) no executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse. If an executor or administrator of the decedent is appointed after the making of the joint return by the surviving spouse, the executor or administrator may disaffirm such joint return by making, within one year after the last day prescribed by law for filing the return of the surviving spouse, a separate return for the taxable year of the decedent with respect to which the joint return was made, in which case the return made by the survivor shall constitute his separate return.

SEC. 6 Section 18412 is added to the Revenue and Taxation Code, to read:

18412. (a) The Franchise Tax Board is authorized to provide with respect to any amount required to be shown on any return form prescribed to be filed with the Franchise Tax Board, statement or other document, that if such amount of such item is other than a whole dollar amount, either—

(1) The fractional part of a dollar shall be disregarded; or

(2) The fractional part of a dollar shall be disregarded unless it amounts to one-half dollar ($0 50) or more, in which case the amount (determined without regard to the fractional part of a dollar) shall be increased by one dollar ($1).

(b) Any person making a return, statement, or other document shall be allowed, under regulations prescribed by the Franchise Tax Board, to make such return, statement, or other document without regard to subdivision (a)

(c) The provisions of subdivisions (a) and (b) shall not be applicable to items which must be taken into account in making the computations necessary to determine the amount re-

quired to be shown on a form, but shall be applicable only to such final amount.

SEC. 7. Section 18451 of the Revenue and Taxation Code is amended to read:

18451. If the amount of gross income or deductions for any year of any taxpayer as returned to the United States Treasury Department is changed or corrected by the Commissioner of Internal Revenue or other officer of the United States or other competent authority, or where a renegotiation of a contract or subcontract with the United States results in a change in gross income or deductions, such taxpayer shall report such change or correction, or the results of such renegotiation, within 90 days after the final determination of such change or correction or renegotiation, or as required by the Franchise Tax Board, and shall concede the accuracy of such determination or state wherein it is erroneous. Such changes or corrections need not be reported unless they affect the amount of tax payable under this part. Any taxpayer filing an amended return with such department shall also file within 90 days thereafter an amended return with the Franchise Tax Board which shall contain such information as it shall require.

SEC. 8. Section 19053 of the Revenue and Taxation Code is amended to read:

19053. No credit or refund shall be allowed or made after four years from the last day prescribed for filing the return or after one year from the date of the overpayment, whichever period expires the later, unless before the expiration of the period a claim therefor is filed by the taxpayer, or unless before the expiration of such period the Franchise Tax Board allows a credit, makes a refund or certifies such overpayment to the State Board of Control for approval of the refunding or the crediting thereof.

SEC. 9. Section 19053.9 of the Revenue and Taxation Code is amended to read:

19053.9. Notwithstanding any statute of limitations provided in this part, any overpayment due a taxpayer for any year which results from a transfer of items of income or deductions or both to or from another year for the same taxpayer. or for the same year for a related taxpayer described in Section 18691.1, shall be allowed as an offset in computing any deficiency in tax for any other year resulting from the transfer of such income or deductions or both, but no refund shall be allowed unless before the expiration of the period set forth in Section 19053 a claim therefor is filed by the taxpayer or unless before the expiration of such period the Franchise Tax Board has allowed a credit, made a refund or certified the overpayment to the State Board of Control for approval of the refunding or the crediting thereof.

The offset provided herein, however, shall not be allowed after the expiration of seven years from the due date of the return on which the overpayment is determined.

SEC. 10. Section 19262 of the Revenue and Taxation Code is amended to read:

19262. If, in any estate, assets having a total value of five thousand dollars ($5,000) are distributable to one or more nonresident beneficiaries, the final account of the fiduciary shall not be allowed by the probate court unless the fiduciary obtains from the Franchise Tax Board and files with the court a certificate to the effect that all taxes imposed by this part upon the estate or decedent which have become payable have been paid, and that all taxes which may become due are secured by bond, deposit or otherwise.

SEC. 11. The provisions of this act affecting the computation of taxes shall be applied to taxable years beginning on and after January 1, 1967, and ending after the effective date of this act. The remaining provisions shall be applied on and after the effective date of this act.

SEC. 12. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1480

An act to amend Sections 7305, 7306, 7307, 7308, 7356, 7481, 7482, 7726 and 8101.5 of, to repeal Sections 7483, 7485, 7506.5, 7652 and 8307 of, and to add Sections 7357, 7483, 7485, 7506.5 and 7652 to, the Revenue and Taxation Code, relating to the Motor Vehicle Fuel License Tax Law, to take effect immediately, tax levy.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 7305 of the Revenue and Taxation Code is amended to read:

7305. "Distribution" includes any of the following:

(a) The refining, manufacturing, producing, blending, or compounding of motor vehicle fuel in this state, and the sale, donation, consignment for sale, barter, or use of the fuel in this state.

(b) The refining, manufacturing, producing, blending, or compounding of motor vehicle fuel in this state from petroleum products owned by another and the delivery of the fuel in this state to the owner thereof or to any person on his order.

(c) The importing of motor vehicle fuel into this state, and the sale, donation, consignment for sale, barter, or use of the fuel in this state unless the state is prohibited by the Constitution or laws of the United States from imposing a tax with respect to such sale, donation, consignment for sale, barter or use; provided, however, that motor vehicle fuel brought into this state in the usual and ordinary fuel supply tank con-

nected to the engine of a motor vehicle shall not be deemed to be "imported" if not removed from such tank except as used for the propulsion of such engine, except to the extent such fuel was acquired tax free for export or a refund of tax was claimed on account of exportation from the state from which such fuel was transported into this state.

(d) The receiving in this state by a licensed distributor of motor vehicle fuel with respect to which there has been no prior taxable distribution, or the receipt in this state by any person, other than a licensed distributor or licensed broker under the conditions set forth in subdivision (e) of Section 7401, of motor vehicle fuel with respect to which there has not been a prior distribution on which tax has been paid pursuant to this part, and the sale, donation, consignment for sale, barter, or use of the fuel in this state.

(e) The withdrawal of motor vehicle fuel from storage in this state for the purpose of the sale, donation, consignment for sale, barter or use of the fuel in this state if the consummation of such purpose does not otherwise constitute a distribution taxable under this part, in which event the license tax with respect to the fuel withdrawn from storage is measured by the gallonage thereof thus sold, donated, consigned for sale, bartered or used.

(f) For the purpose of subdivisions (a), (c), (d), and (e) of this section, "consignment for sale" does not include the withdrawal of motor vehicle fuel from storage and the transfer of the fuel into storage at a bulk plant operated by an agent acting in a representative capacity for and on behalf of the distributor for the distribution of such fuel when title to, and control of, the fuel remains in the distributor until it is distributed, and all distributions by such agent are made in the name of, and for the account of, the distributor, notwithstanding that the agent may under the conditions of his agency agreement with the distributor be considered an independent contractor with respect to the operation of the bulk plant.

SEC. 2. Section 7306 of the Revenue and Taxation Code is amended to read:

7306. "Distributor" includes every person who, within the meaning of the term "distribution" as defined in this chapter, distributes motor vehicle fuel and any aircraft manufacturer, or certificated or licensed carrier by air, who purchases within this state and uses for the propulsion of aircraft an average of forty thousand (40,000) or more gallons of motor vehicle fuel per month and who files with the board an application for a license as a distributor and to whom the board issues such a license. "Distributor" does not include any person who brings motor vehicle fuel into this state in the usual and ordinary supply tank connected to the engine of a motor vehicle if such fuel is not removed from the tank except as used for the propulsion of such engine, except to the extent such person acquires the fuel tax free for export or claims a refund of tax paid on account of exportation from the state

from which such fuel is transported into this state "Distributor" does not include any person who shall import into this state motor vehicle fuel in individual quantities of 500 gallons or less purchased from a distributor licensed under this part and who shall assume liability for the tax imposed by this part with respect to the fuel so imported.

SEC. 3. Section 7307 of the Revenue and Taxation Code is amended to read:

7307. "Producer" includes every person, other than a distributor, engaged in producing or manufacturing any petroleum product used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel. "Producer" does not include a person whose business with respect to petroleum products is confined to production, purchase or sale of crude oil.

SEC. 4. Section 7308 of the Revenue and Taxation Code is amended to read:

7308. "Broker" includes every person, other than a distributor, dealing, either as the owner or as the agent of another, in motor vehicle fuel. "Broker" does not include anyone dealing in such fuel only: (a) in quantities of less than 200 gallons, (b) as an operator of a service station, (c) as an agent for a distributor in the operation of a bulk plant in the manner described in subdivision (f) of Section 7305.

SEC. 5. Section 7356 of the Revenue and Taxation Code is amended to read:

7356. Any distributor or broker who acquires motor vehicle fuel from another distributor under a taxable distribution measured by the temperature corrected gallonage as provided in Section 7355, or by volumetric measure, and who redistributes the fuel is subject to the tax imposed by this part with respect to that gallonage redistributed which is in excess of the taxable measure of the gallonage acquired.

SEC 6. Section 7357 is added to the Revenue and Taxation Code, to read:

7357. Any producer who produces motor vehicle fuel is subject to the tax imposed by this part with respect to that gallonage of such fuel which is used for the propulsion of a motor vehicle operated upon the highways.

SEC. 7. Section 7481 of the Revenue and Taxation Code is amended to read:

7481. Every person before becoming a producer or broker shall apply to the board for a license on forms prescribed by the board. It is unlawful for any person to be a producer or broker without first securing a license.

SEC. 8. Section 7482 of the Revenue and Taxation Code is amended to read:

7482. Upon the receipt of the application, the board shall issue to the applicant, except as otherwise provided in this chapter, a license to engage in business as a producer or broker.

SEC. 9. Section 7483 of the Revenue and Taxation Code is repealed.

SEC. 10. Section 7483 is added to the Revenue and Taxation Code, to read:

7483. Every license issued pursuant to this article is valid until canceled or revoked.

SEC. 11. Section 7485 of the Revenue and Taxation Code is repealed.

SEC. 12. Section 7485 is added to the Revenue and Taxation Code, to read:

7485. Any person who holds a valid broker's or producer's license issued pursuant to this article and who is subject to the tax imposed by this part solely by reason of Section 7356 or Section 7357 shall not be required to obtain the distributor's license provided for in Section 7451.

SEC. 13. Section 7506.5 of the Revenue and Taxation Code is repealed.

SEC. 14. Section 7506.5 is added to the Revenue and Taxation Code, to read:

7506.5. The board may revoke any of the following licenses:

(a) Any distributor's license held by a person who does not engage in, or who discontinues, the distribution of motor vehicle fuel within the meaning of "distribution" as defined in Section 7305.

(b) Any producer's license held by a person who does not engage in, or who discontinues, business as a "producer" as defined in Section 7307.

(c) Any broker's license held by a person who does not engage in, or who discontinues, dealing in motor vehicle fuel as a "broker" as defined in Section 7308.

SEC. 15. Section 7652 of the Revenue and Taxation Code is repealed.

SEC. 16. Section 7652 is added to the Revenue and Taxation Code, to read:

7652. Each producer and broker shall file a return in such form as may be prescribed by the board for each calendar month. The return shall be filed with the board on or before the first day of the second calendar month following the close of the monthly period to which it relates, together with a remittance payable to the controller of the amount of tax, if any, due under Sections 7356 and 7357 for that period. To facilitate the administration of this part the board may require the filing of such returns for other than monthly periods. All provisions of this part relating to collection of tax from distributors shall be applicable to the tax payable by brokers and producers.

SEC. 17. Section 7726 of the Revenue and Taxation Code is amended to read:

7726. If any person becomes a distributor without first securing a license, the license tax, applicable penalties and interest, if any, become immediately due and payable on account of all motor vehicle fuel distributions made by him.

Except as provided in Section 7356 and subdivision (e) of Section 7401, a broker who acquires motor vehicle fuel with respect to which there has not been a distribution on which tax has been paid pursuant to this part, commingles any untaxed product with tax-paid fuel and distributes the resultant product as motor vehicle fuel, or sells or otherwise distributes any untaxed product for resale or use as motor vehicle fuel, shall be regarded as an unlicensed distributor of that gallonage of motor vehicle fuel or product distributed or in his possession which is in excess of his acquisition of motor vehicle fuel from distributions with respect to which the tax has been paid, and shall be subject to the provisions of this article as an unlicensed distributor of that excess fuel, unless he shall establish that the license tax has been paid with respect to all fuel sold or otherwise disposed of by him.

SEC. 18. Section 8101.5 of the Revenue and Taxation Code is amended to read:

8101.5. No refund of any tax shall be granted which is attributable to the distribution of motor vehicle fuel for use or used in propelling a vessel or aircraft in the state, except the following refunds:

(a) Any tax which is attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft engaged in the business of transporting persons or property for hire or compensation under a certificate of public convenience and necessity issued by the federal government or the California Public Utilities Commission.

(b) Any tax which is attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft engaged in the business of aerial application of dust, spray, fertilizer, seed, or other materials in connection with agricultural activities.

(c) Five cents ($0.05) of the tax upon each gallon attributable to the distribution of motor vehicle fuel for use or used in propelling any aircraft other than an aircraft referred to in subdivision (a) or (b) of this section.

(d) Any tax which is attributable to the distribution of motor vehicle fuel used in an aircraft engine incident to the business of construction or reconstructing by manufacture or assembly of completed aircraft or in the modification, overhaul, repair, maintenance or service of aircraft.

The Legislature hereby declares its intent that the motor vehicle fuel upon which the fuel tax is refunded in part shall be subject to the provisions of Section 6357 of this code with respect to collection of sales and use tax thereon to the same extent as if the entire amount of the fuel tax had been refunded.

SEC. 19. Section 8101.5 of the Revenue and Taxation Code is amended to read:

8101.5. No refund of any tax shall be granted which is attributable to the distribution of motor vehicle fuel for use or

used in propelling a vessel or aircraft in the state, except the following refunds:

(a) Any tax which is attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft engaged in the business of transporting persons or property for hire or compensation under a certificate of convenience and necessity issued by the federal government or the California Public Utilities Commission.

(b) Any tax which is attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft engaged in the business of aerial application of dust, spray, fertilizer, seed, or other materials in connection with agricultural activities.

(c) Any tax which is attributable to the distribution of motor vehicle fuel for use or used in an aircraft engine incident to the business of construction or reconstructing by manufacture or assembly of completed aircraft or in the modification, overhaul, repair, maintenance or service of aircraft.

(d) Two cents ($0.02) of the tax upon each gallon attributable to the distribution of motor vehicle fuel for use or used in propelling any aircraft other than an aircraft referred to in subdivision (a), (b) or (c) of this section.

With respect to a refund of part of the tax as provided in subdivision (d) the Controller shall collect by deduction therefrom, as provided by Sections 6357 and 7204.5, that portion of the state and local retail sales and use taxes which is in the proportion that the amount of fuel tax refundable bears to the total amount of the fuel tax on that gallonage with respect to which the partial refund is claimed.

SEC. 20. Section 8307 of the Revenue and Taxation Code is repealed.

SEC. 21. Section 19 of this act shall become operative only if the amendments to Section 8101.5 of the Revenue and Taxation Code as proposed by Senate Bill No. 259 are enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 259 takes effect; at which time Section 8101.5 of the Revenue and Taxation Code as amended by Section 18 of this act is repealed.

SEC. 22. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1481

An act to amend Sections 14341 and 14345 of, and to add Section 14348 to, the Revenue and Taxation Code, relating to inheritance taxes.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 14341 of the Revenue and Taxation Code is amended to read:

14341. Unless the written consent of the Controller, or of a person authorized in writing by the Controller to issue the consent, is first secured, no corporation organized or existing under the laws of this state shall transfer on its books or issue a new certificate for any share of its capital stock belonging to or standing in the name of a decedent, belonging to or standing in the joint names of a decedent and one or more other persons, or held in trust for a decedent.

SEC. 2. Section 14345 of the Revenue and Taxation Code is amended to read:

14345. No safe deposit company, trust company, corporation, bank, other institution, or person in possession, control, custody, partial control, or partial custody of any securities, deposits, or other property, including shares of the capital stock of or other interest in any such organization or institution, belonging to or standing in the name of a decedent, whether resident or nonresident, shall deliver or transfer any such property to or upon the order or request of any executor of the will, administrator of the estate, legatee or heir of the decedent; nor deliver or transfer any such property to or upon the order of any agent, deputy, attorney, trustee or successor in interest of the decedent after receipt of actual notice of the death of the decedent; nor deliver or transfer any securities or other property, including any shares of the capital stock or other interest in any such organization or institution, standing in the joint names of the decedent and one or more other persons, to or upon the order or request of such other person or persons after receipt of actual notice of the death of the decedent; and no bank or other institution having custody of any deposit standing in the joint names of a decedent and any other person or persons or standing in the name of the decedent subject to the right of any other person or persons to draw upon or withdraw the same shall pay or deliver such deposit to or upon the order of such other person or persons after receipt of actual notice of the death of the decedent by the officer or manager in charge of the office or branch of such bank or other institution at which such deposit is carried or by the employee thereof who pays or delivers said deposit:

(a) Without retaining a sufficient portion or amount of the property to pay any tax and interest which may thereafter be assessed pursuant to this part; and

(b) Without first giving notice of the time and place of the delivery or transfer to the Controller and county treasurer at least 10 days prior to the delivery or transfer.

The Controller, or any person authorized in writing by the Controller, may consent in writing to the delivery or transfer, in which event compliance with this section is not required.

The Controller or his authorized agent may examine any property specified in this section at the time of its delivery or at any other time.

SEC. 3. Section 14348 is added to the Revenue and Taxation Code, to read:

14348. When in the opinion of the Controller, collection of the tax imposed by this part will not thereby be jeopardized, he may in such classes of cases as he shall determine, and subject to such conditions as he shall impose, issue general consents or dispense with the requirements of this article that his written consent be obtained prior to the delivery or transfer of stocks, securities, accounts, deposits or other property belonging to or standing in the name of a decedent.

CHAPTER 1482

An act to amend Sections 11531 and 11911 of, and to add Section 11514 to, the Agricultural Code, as proposed by Senate Bill No. 1, relating to agricultural pest control operation.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 11514 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

11514. Whenever a decision of the director suspends for 30 days or less the license of a person licensed pursuant to Sections 11701 to 11709, inclusive, or Sections 11901 to 11913, inclusive, and such suspension becomes final, the licensee may, before the operative date of such suspension, petition the director for permission to make a monetary payment in lieu of serving all, or a portion, of the suspension. Upon receipt of such petition, the director may stay the suspension while he makes such investigation as he deems desirable and may grant the petition if he is satisfied (a) that the public health, safety and welfare will not be impaired by permitting the licensee to operate during the period set for suspension; (b) the payment of the sum of money will achieve the desired disciplinary purpose; and (c) that it will be possible to determine with reason-

able accuracy from the records of the licensee the services which would have been performed under the privilege of the license during the period in which the license would have been suspended.

As to a licensee engaged for hire in the business of pest control, the monetary payment stated in the petition shall be in a specific amount, which is estimated to be the equivalent of 20 percent of the gross receipts of the licensee for each day of the suspension and shall not be less than two hundred fifty dollars ($250) nor more than two thousand five hundred dollars ($2,500).

As to a licensee licensed with an aircraft pilot's certificate of qualification or apprentice certificate, the monetary payment in the petition shall be in a specific amount, which is estimated to be the equivalent of 50 percent of the gross earnings of the licensee for all work performed by him under the privileges of the license for each day of the suspension and shall not be less than one hundred dollars ($100) nor more than one thousand dollars ($1,000).

When the decision provides that a portion of the suspension shall be stayed on probationary conditions, the petition shall not apply to the portion of the suspension which is so stayed, nor shall such portion be included in determining the 30-day limitation for eligibility of the petition.

If the petition is accepted, then upon payment by the licensee of the sum specified the director shall enter his order permanently staying all or a portion of the suspension in accordance with the petition.

All payments received pursuant to this section shall be credited to the Department of Agriculture Fund for use in the administration and enforcement of this division.

SEC. 2. Section 11531 of the Agricultural Code, as proposed by Senate Bill No 1, is amended to read:

11531. This division does not apply to any person while engaged in any of the following:

(a) Any activity that is defined as structural pest control and required to be licensed under Chapter 14 (commencing with Section 8500), Division 3 of the Business and Professions Code.

(b) Preservative treatment of fabrics or structural materials.

(c) Household or industrial sanitation services.

(d) Seed treatment which is incidental to such person's regular business.

SEC. 3. Section 11911 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

11911. The director may refuse to issue a certificate to, or renew the certificate of, any pilot, and he may revoke or suspend the certificate of any pilot if, after a hearing, he is satisfied that any of the following is true:

(a) The pilot is not qualified to conduct pest control operations.

(b) The pilot has violated this division, or any regulation issued pursuant to it, or has not complied with any lawful order of the commissioner or the director.

The director may, in lieu of suspension, place any pilot who violates this division or any regulation issued pursuant to it, on probation for one year.

SEC. 4. Any revenues derived from the provisions of this act shall not be expended unless appropriated.

CHAPTER 1483

An act to amend Section 375 of, and to add Section 582 to, the Streets and Highways Code, relating to state highways.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 375 of the Streets and Highways Code is amended to read:

375. Route 75 is from:

(a) Route 125 near Brown Field to Route 5 near the south end of San Diego Bay.

(b) Route 5 to Fourth Street in Coronado via Silver Strand.

(c) Orange Avenue in Coronado to Route 5 in San Diego via the San Diego-Coronado Toll Bridge.

Subdivision (c) of this section shall not become operative until the San Diego-Coronado Toll Bridge and approaches are completed and open for traffic.

(d) Fourth Street to the San Diego-Coronado Ferry via Orange Avenue in Coronado.

The portion of this route described in subdivision (d) shall cease to be a state highway when the portion of this route described in subdivision (c) is completed and open for traffic.

SEC. 2. Section 582 is added to the Streets and Highways Code, to read:

582. Route 282 is from Route 75 to the Naval Air Station at North Island in Coronado via Fourth Street.

This section shall not become operative until the portion of Route 75 from Orange Avenue in Coronado to Route 5 in San Diego via the San Diego-Coronado Toll Bridge is completed and open for traffic.

CHAPTER 1484

An act to amend Sections 1176, 2629.1, 2714, 2735.5, 2741, 3012, and 3252 of, and to add Section 3266 to the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1176 of the Unemployment Insurance Code is amended to read:

1176. (a) If, by reason of an employee receiving wages from more than one employer during any calendar year after December 31, 1964, the wages received by him during such year exceed the remuneration upon which contributions are payable under Section 985, and the sum of the amount of tax imposed by Section 984 plus the amount of contributions under Section 3260 deducted from such wages exceeds the amount required under this division, the employee is entitled to a refund of the amount of the excess.

(b) Refunds under this section shall be made by the director from the Disability Fund if, within six months after the calendar year in which the wages in excess of the applicable limitation are received, the employee makes a claim establishing his right to the refund. No interest shall be allowed or paid with respect to such refund.

(c) The director shall in accordance with Section 3266 recover from voluntary plans the aggregate amount of such refunds made during any calendar year which is applicable to voluntary plans.

SEC. 2. Section 2629.1 of the Unemployment Insurance Code is amended to read:

2629.1. Nothing in the provisions of Section 2629 of this code shall be construed to authorize the stopping of payment of unemployment disability benefits provided for in this part upon the filing of a lien with the Workmen's Compensation Appeals Board under Section 4903 of the Labor Code. Benefits provided for by this part shall be paid to claimants notwithstanding the filing of such a lien until an award, order or decision has been made in the matter as provided in Section 5313 of the Labor Code.

SEC. 2.5. Section 2714 of the Unemployment Insurance Code is amended to read:

2714. All medical records of the department, except to the extent necessary for the proper administration of this part or as provided herein, shall be confidential and shall not be published or be open to public inspection in any manner revealing the identity of the claimant, or the nature or cause of his disability. Such records are not admissible in evidence in any action or special proceeding other than one arising under this

division. The department may, however, reveal the identity only of any claimant to the Department of Rehabilitation, but such information shall remain confidential and shall not be disclosed by that department.

SEC. 3. Section 2735.5 of the Unemployment Insurance Code is amended to read:

2735.5. No claim of overpayment shall be based upon the disallowance by the Workmen's Compensation Appeals Board of a claim of lien filed under Section 4903 of the Labor Code, or the allowance of such lien for less than the amount claimed, or upon the approval by the said appeals board of a compromise and release agreement providing for the allowance of such lien in an amount less than the claim.

SEC. 4. Section 2741 of the Unemployment Insurance Code is amended to read:

2741. Any claim of lien filed with the Workmen's Compensation Appeals Board under the provisions of Section 4903 of the Labor Code shall be fully discharged and satisfied by payment of the amount of such lien allowed by the said appeals board under the provisions of Section 4904 of said code or the amount specified in any compromise and release agreement filed and approved by the said appeals board pursuant to Sections 5000 through 5004 of said code.

SEC. 5. Section 3012 of the Unemployment Insurance Code is amended to read:

3012. (a) All money in the Disability Fund is continuously appropriated without regard to fiscal years for the purpose of providing disability benefits pursuant to this part, including the payment of refunds or judgments, and interest thereon, the payment of disability benefits to all eligible persons not covered exclusively by an approved voluntary plan, and the payment of the expenses of administration of this part. "Eligible persons" as used in this section, means those individuals who are covered by the Disability Fund at the time their period of disability commences, or whose employment has terminated or who are in noncovered employment at the time their period of disability commences, and who are otherwise eligible for benefits under this part.

(b) For the purpose of keeping a record of the payments to, and the disbursements from, the Disability Fund with respect to the payment of benefits to persons whose employment has terminated or who are in noncovered employment at the time their period of disability commences, the director shall maintain the unemployed disabled account in the Disability Fund. This account shall be credited with the amount of the payments received by the Disability Fund under subdivision (b) of Section 3252 for each calendar year. This account shall also be credited with an amount equal to twelve one-hundredths of 1 percent (0.12%) of the taxable wages paid to employees covered by the Disability Fund for each calendar year. This account shall be charged each calendar year with disbursements from the Disability Fund for the payment of benefits

and the additional administrative costs of the payment of benefits to persons whose employment has terminated or who are in noncovered employment at the time their period of disability commences.

SEC. 6. Section 3252 of the Unemployment Insurance Code is amended to read:

3252. (a) Except as provided by subdivision (b) of this section, neither an employee nor his employer shall be liable for the worker contributions required under this division with respect to wages paid by the employer while the employee is covered by an approved voluntary plan.

(b) Each voluntary plan shall pay to the department for the Disability Fund twelve one-hundredths of 1 percent (0.12%) of the taxable wages paid to employees covered by the voluntary plan for disability benefit coverage for each calendar year. Such payments shall not constitute a part of the voluntary plan premium for purposes of any tax under any provision of law. After the end of each calendar quarter, the director shall assess the amounts required by this section against the employer, subject to the provisions of Section 3259. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions and the provisions of Chapter 7 (commencing with Section 1701) of Part 1 of this division with respect to the collection of contributions shall apply to assessments provided by this section, except that interest shall not accrue until 30 days after notice of assessment. Amounts so collected shall be deposited in the Disability Fund to the credit of the unemployed disabled account.

SEC. 7. Section 3266 is added to the Unemployment Insurance Code, to read:

3266. The director shall in accordance with authorized regulations determine the portion of the aggregate amount of refunds to employees made under Section 1176 during any calendar year which is applicable to voluntary plans for which deductions were made under Section 3260, such determination to be based upon the relation during the preceding calendar year of the amount of wages subject to contributions to the Disability Fund to the amount of wages exempt from contributions to the Disability Fund under Section 3252. The director shall in accordance with authorized regulations prorate such aggregate amount among the applicable voluntary plans and shall assess and recover from the employer or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division with respect to the assessment of contributions and the provisions of Chapter 7 (commencing with Section 1701) of Part 1 of this division with respect to the collection of contributions shall apply to the recovery of amounts under this section. Amounts so collected shall be deposited in the Disability Fund.

SEC. 8. No right or cause of action founded upon any provision of law amended by this act as the provision existed prior to such amendment shall be abolished or impaired by this act.

CHAPTER 1485

An act to add Section 4004.5 to the Vehicle Code, and to amend Section 2104 of the Streets and Highways Code, relating to motor vehicle registration.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 4004.5 is added to the Vehicle Code, to read:

4004.5. The owner of any motor vehicle subject to the registration provisions of this chapter, or exempted therefrom, may file with the department, at the time he registers or renews the registration of such motor vehicle, a signed statement that he resides in more than one county for a period of more than 30 days, or uses such vehicle in a county other than the county of his legal residence for business purposes. Such statement shall specify the address at which the owner resides in any county for more than 30 days, if any, or the length of time during which such owner uses the motor vehicle for business purposes in any county.

The department shall provide forms for the filing of such statements and shall take into consideration the length of time during which owners reside or use motor vehicles in counties, in accordance with the statements filed with the department, to determine the total number of vehicles registered or exempted from registration in any particular county.

SEC. 2. Section 2104 of the Streets and Highways Code is amended to read:

2104. A sum equal to the net revenue derived from 1.625 cents ($0.01625) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned among the counties, as follows:

(a) Each county shall be paid one thousand six hundred sixty-seven dollars ($1,667) during each calendar month, which amount shall be expended exclusively for engineering costs and administrative expenses in respect to county roads.

(b) The sum of one hundred thousand dollars ($100,000) per month shall be apportioned among eligible counties for snow removal and storm damage costs as provided for in Section 2110.

(c) Seventy-five percent (75%) of the funds payable under this section shall be apportioned among the several counties monthly in the respective proportions that the number of fee-

paid and exempt vehicles registered, as calculated by the Department of Motor Vehicles pursuant to Section 4004.5 of the Vehicle Code, in each county bears to the total number of fee-paid and exempt vehicles registered in the state during the 12 calendar months covered by the 12 verified statements of registrations last filed with the State Controller, as herein provided, prior to the making of such apportionment.

For purposes of apportionment under this subdivision, the Department of Motor Vehicles shall, as soon as possible after the last day of each calendar month, furnish to the State Controller a verified statement showing the number of fee-paid and exempt vehicles registered in each county and in the state during the preceding calendar month.

(d) Of the remaining moneys payable there shall be paid to each eligible county an amount monthly computed, as follows: The number of miles of maintained county road in each county shall be multiplied by forty-two dollars ($42); from the resultant amount there shall be deducted the amount received by each county under subdivision (c) of this section and the remainder, if any, shall be paid to each county.

(e) The remaining moneys payable after the foregoing apportionments shall be apportioned among the several counties in the same proportion as the moneys referred to in subdivision (c) of this section.

CHAPTER 1486

An act to add Section 161.5 to the Water Code, relating to the naming of state-owned water facilities.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 161.5 is added to the Water Code to read:

161.5. The California Water Commission shall have the power to name all facilities of the State Water Resources Development System owned by the state. The commission may receive testimony from the public on matters involving its responsibilities under this section, and, after public hearing for the purpose of considering all proposed names for such facilities, may, by resolution, express its decision regarding the naming of specific facilities of the State Water Resources Development System.

CHAPTER 1487

An act to amend Section 69752 of the Government Code, relating to superior courts.

[Approved by Governor August 25, 1967. Filed with Secretary of State August 25, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 69752 of the Government Code is amended to read:

69752. (a) Notwithstanding any other provision of this code, no superior court will hold sessions in any city other than the county seat except with the approval of the board of supervisors.

(b) The board of supervisors may terminate superior court sessions being held in any city other than the county seat.

(c) The board of supervisors of counties seeking to establish or terminate branch court sessions shall request the recommendations and advice of the Judicial Council before taking action.

CHAPTER 1488

An act to amend Section 31676.1 of the Government Code, relating to county retirement systems.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 31676.1 of the Government Code is amended to read:

31676.1. This section shall apply in any county having a population in excess of 295,000 computed according to the population figures set forth in Section 28020 of this code as it existed on the 91st day following the adjournment of the 1953 session of the Legislature. This section may be made applicable in any other county on the first day of the month after the board of supervisors of such county adopts, by majority vote, a resolution providing that this section shall become applicable in such county. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior serv-

ice with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed seventy-five percent (75%) of the member's final compensation.

Age of retirement	Fraction	
	Men	Women
50	.6852	.7091
50¼	.6945	.7183
50½	.7037	.7274
50¾	.7130	.7366
51	.7222	.7457
51¼	.7314	.7547
51½	.7406	.7637
51¾	.7498	.7726
52	.7590	.7816
52¼	.7684	.7907
52½	.7779	.7999
52¾	.7873	.8090
53	.7967	.8181
53¼	.8065	.8275
53½	.8164	.8369
53¾	.8262	.8462
54	.8360	.8556
54¼	.8465	.8656
54½	.8570	.8755
54¾	.8674	.8855
55	.8779	.8954
55¼	.8893	.9061
55½	.9006	.9168
55¾	.9119	.9275
56	.9232	.9382
56¼	.9355	.9498
56½	.9478	.9614
56¾	.9602	.9730
57	.9725	.9846
57¼	.9860	.9972
57½	.9994	1.0098
57¾	1.0129	1.0224
58	1.0264	1.0350
58¼	1.0411	1.0487
58½	1.0559	1.0625
58¾	1.0706	1.0762
59	1.0853	1.0899
59¼	1.1015	1.1049
59½	1.1176	1.1199
59¾	1.1338	1.1349
60	1.1500	1.1500
60¼	1.1610	1.1611
60½	1.1721	1.1723
60¾	1.1832	1.1835
61	1.1943	1.1947
61¼	1.2091	1.2097

Age of retirement	Fraction Men	Women
61½	1.2239	1.2247
61¾	1.2387	1.2398
62	1.2535	1.2548
62¼	1.2691	1.2707
62½	1.2848	1.2867
62¾	1.3004	1.3026
63	1.3160	1.3186
63¼	1.3326	1.3355
63½	1.3491	1.3525
63¾	1.3657	1.3695
64	1.3822	1.3865
64¼	1.3998	1.4047
64½	1.4173	1.4229
64¾	1.4349	1.4411
65 and over	1.4525	1.4593

The fractions herein set forth shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by each such board with respect to its retirement system. Contributions shall not be made by members having credit for 30 years of continuous service.

In any county operating under this section any limitation in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

SEC. 2. It is hereby declared that this act is not a change in the present law but is a declaration of preexisting law.

CHAPTER 1489

An act to repeal Section 7 of Chapter 85, Statutes of 1966, First Extraordinary Session, relating to driver training financing, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 7 of Chapter 85, Statutes of 1966, First Extraordinary Session, is repealed.

SEC. 2. This act shall become operative only if Senate Bill No. 56 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 56 takes effect.

SEC. 3. 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 such necessity are:

In order that school districts may include in their budgets funds for the continuation or expansion of the driver training programs with the assurance that the reimbursement schedule authorized in Section 17305 of the Education Code will be maintained after October 1, 1967, it is necessary that the enabling legislation embodied in this act take effect immediately.

CHAPTER 1490

An act to amend Section 69591 of the Government Code, relating to superior court judges.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 69591 of the Government Code is amended to read:

69591. In the County of Orange there shall be 21 judges of the superior court.

CHAPTER 1491

An act to amend Sections 5011, 5014, 5015 and 9261 of, and to repeal Section 5012 of, the Vehicle Code, relating to mobile and cemetery equipment.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 5011 of the Vehicle Code is amended to read:

5011. Every piece of special construction, special mobile and cemetery equipment shall display an identification plate attached thereto.

SEC. 2. Section 5012 of the Vehicle Code is repealed.

SEC. 3. Section 5014 of the Vehicle Code is amended to read:

5014. An application for an identification plate for special construction, cemetery or special mobile equipment shall include the following:

(a) A statement by the owner of the use or uses which he intends to make of the equipment.

(b) A description of the vehicle, including any distinctive marks or features.

(c) A photograph of the vehicle.

(d) Such other information as may reasonably be required by the department to determine whether the applicant is entitled to be issued an identification plate.

When identification plates are to be obtained for more than one piece of equipment, each of which is of the same identical type, only one photograph of one piece shall be required to be attached to the application.

SEC. 4. Section 5015 of the Vehicle Code is amended to read:

5015. The application for an identification plate for special construction equipment, special mobile equipment and cemetery equipment, shall be made before any such piece of equipment is moved over a highway.

SEC. 5. Section 9261 of the Vehicle Code is amended to read:

9261. A service fee of five dollars ($5) shall be paid for an identification plate for special construction, cemetery or mobile equipment. Publicly owned special construction equipment and publicly owned special mobile equipment are exempt from the service charge.

CHAPTER 1492

An act to add Section 2402.5 to, and to add Chapter 5 (commencing with Section 2900) to Division 2 of, the Vehicle Code, relating to motor vehicle safety, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 2402.5 is added to the Vehicle Code, to read:

2402.5. The commissioner shall, after he has considered motor vehicle safety standards adopted pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C., Sec. 1381 et seq.), adopt and enforce regulations identical to such standards with respect to any motor vehicle or item of motor vehicle equipment applicable to the same aspect of performance of such vehicle or item of equipment.

Following adoption of such regulations, the commissioner may test vehicles and specific types of equipment for compliance with the federal standards. In formulating test procedures, the commissioner shall review and consider test procedures utilized for compliance with the federal standards. If such vehicle or equipment does not conform to regulations adopted by the commissioner, no person shall sell or offer for sale any such vehicle or equipment.

In the absence of a motor vehicle safety standard adopted pursuant to the National Traffic and Motor Vehicle Safety Act

of 1966 (15 U.S.C., Sec. 1381 et seq.) or if any such standard is not applicable to vehicles or equipment manufactured and first sold in California, the commissioner may require vehicles and specific types of equipment to be tested and approved for compliance with the requirements of this code or any regulation adopted pursuant to this code, such test to be conducted pursuant to the provisions of Article 16 (commencing with Section 26100) of Chapter 2 of Division 12 of this code. If such vehicle or equipment does not conform to the provisions of this code or to regulations adopted by the commissioner, no person shall sell or offer for sale any such vehicle or equipment.

As used in this section, "motor vehicle safety standard" means a minimum standard for motor vehicle performance, or motor vehicle equipment performance which is practicable, which meets the need for motor vehicle safety and which provides objective criteria. A federal motor vehicle safety standard which conflicts with an equipment provision of this code applicable to the same aspect of performance shall supersede that specific provision of this code with respect to vehicles in compliance with the federal motor vehicle safety standard that was in effect at the time of sale.

SEC. 2. Chapter 5 (commencing with Section 2900) is added to Division 2 of the Vehicle Code, to read:

CHAPTER 5. CALIFORNIA TRAFFIC SAFETY PROGRAM

2900. There shall be established in this state, the California Traffic Safety Program, which shall consist of a comprehensive plan in conformity with the laws of this state to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom. Such program shall include, but not be limited to, provisions, to improve driver performance, including, but not limited to, driver education, driver testing to determine proficiency to operate motor vehicles, driver examinations and driver licensing, and, to improve pedestrian performance. In addition such program shall include, but not be limited to, provisions for an effective record system of accidents, including injuries and deaths resulting therefrom; accident investigations to determine the probable causes of accidents, injuries, and deaths; vehicle registration, operation, and inspection; highway design and maintenance including lighting, markings, and surface treatment; traffic control; vehicle codes and laws; surveillance of traffic for detection and correction of high or potentially high accident locations; and emergency services.

2901. The California Traffic Safety Program shall be prepared by the Administrator of Transportation. The Governor shall be responsible for the administration of the program, and shall have final approval of all phases of the program, and may take all action necessary to secure the full benefits avail-

able to the program under the federal Highway Safety Act of 1966, and any amendments thereto.

2902. To the maximum extent permitted by federal law and regulations and the laws of this state, the Governor may delegate to the Administrator of Transportation any power or authority necessary to administer the program, and the administrator may exercise such power or authority once delegated.

2903. The Governor may establish an Advisory Committee on the California Traffic Safety Program which shall consist of various officials of state and local government and other persons who are interested in the establishment of a comprehensive program of traffic safety in this state including, but not limited to, representatives of agriculture, railroads, the Institute of Transportation and Traffic Engineering of the University of California, the motor vehicle manufacturing industry, the automobile aftermarket equipment servicing and manufacturing industry, automobile dealers, the trucking industry, labor, motor vehicle user organizations, and traffic safety organizations.

2904. The California Traffic Safety Program shall include a local traffic safety program designed to encourage the political subdivisions of this state to establish traffic safety programs consistent with the objectives of the California Traffic Safety Program.

2905. On or before the fifth legislative day of the 1968 legislative session and each year thereafter, the Governor shall submit a report to the Legislature through such interim committee or committees as may be designated by legislative resolution. Such report shall include a detailed presentation of the California Traffic Safety Program, a statement concerning the progress made in implementing the program and recommendations concerning possible legislative action deemed necessary or desirable to implement the program.

2906. The California Traffic Safety Program Fund is hereby created in the State Treasury to consist of the funds referred to in Section 2907.

2907. Any funds which are appropriated by Congress for the purposes of carrying out Section 402 of Title 23, United States Code (P.L. 89-564; 80 Stats. 731) and which are apportioned to this state by the Secretary of Commerce pursuant to Section 402 of Title 23, United States Code (P.L. 89-564; 80 Stats. 731) are continuously appropriated for the purposes and uses of the California Traffic Safety Program.

2908. The Governor shall apportion any funds contained in the California Traffic Safety Program Fund among the various state agencies and local political subdivisions as shall effectuate the purposes of the program, and, in accordance with any federal formula for apportionment or other federal requirements as contained in federal enactments, regulations, or standards promulgated by the Secretary of Commerce.

2909. Any local political subdivision of this state, including, but not limited to, a city, a county, a city and county,

a district, or a special district, is authorized to participate in a local traffic safety program within its jurisdiction if such local program is approved by the Governor; provided, however, that any local political subdivision may participate in a traffic safety program other than that promulgated pursuant to the federal Highway Safety Act of 1966.

2910. Such local political subdivision may use, in implementing its local traffic safety program, any funds which are apportioned to it from the California Traffic Safety Program Fund by the Governor pursuant to Section 2908.

SEC. 3. 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 such necessity are:

Federal standards have been promulgated pursuant to the federal Highway Safety Act of 1966, and it is imperative that California implement such standards as soon as possible in order not to suffer a cut in federal funds granted to the state.

CHAPTER 1493

An act to amend Sections 19416.5, 19417.5, 19486, 19566.5, and 19569.5 of the Business and Professions Code, and to amend Section 19535 of the Business and Professions Code, as enacted by Chapter 647, Statutes of 1967, relating to horseracing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 19416.5 of the Business and Professions Code is amended to read:

19416.5. "Appaloosa horse" is any horse (including mare, gelding, colt and filly) that meets the requirements of and is registered by the Appaloosa Horse Club and approved by the Appaloosa Horse Club.

"Arabian horse" is any horse (including mare, gelding, colt and filly) that meets the requirements of and is registered by the Arabian Horse Club Registry of America and approved by the Arabian Horse Racing Association of America.

SEC. 2. Section 19417.5 of the Business and Professions Code is amended to read:

19417.5. "Appaloosa racing" is the form of horseracing in which each participating horse is an Appaloosa horse, is mounted by a jockey, and engages in races on the flat over a distance of not less than one-quarter of a mile or more than four miles.

"Arabian racing" is the form of horseracing in which each participating horse is an Arabian horse, is mounted by a jockey, and is engaged in races on the flat over a distance of not less than one-quarter of a mile or more than four miles.

SEC. 3. Section 19566.5 of the Business and Professions Code is amended to read:

19566.5. The Stud Book of the Appaloosa Horse Club as approved by the Appaloosa Horse Club shall be recognized as the sole official registry for Appaloosa horses. The Stud Book of the Arabian Horse Club Registry of America as approved by the International Arabian Horse Association shall be recognized as the sole official registry for Arabian horses. The board shall, however, by rule provide for the registration of California-bred Appaloosa horses and Arabian horses to enable compliance with this chapter.

SEC. 4. Section 19569.5 of the Business and Professions Code is amended to read:

19569.5. In order to encourage and develop the racing of Appaloosa or Arabian horses, whenever the California State Fair and Exposition or a district or county fair conducts a program of horseraces on which there is parimutuel wagering, it may provide a program of Appaloosa or Arabian horse racing on the same days that it provides a program of other types of horseracing, if sufficient Appaloosa or Arabian horses are available to provide competition in one or more Appaloosa or Arabian horse races.

Such Appaloosa or Arabian horse events may be in addition to the customary number of thoroughbred, quarter horse or standardbred events.

SEC. 5. Section 19486 of the Business and Professions Code is amended to read:

19486. No license shall be granted to conduct a horserace meeting upon a track less than one mile in circumference or length to any applicant other than the California State Fair and Exposition, the California State Exposition and Fair, a county fair, district agricultural association, or applicant for harness racing, quarter horse racing, Appaloosa or Arabian racing.

SEC. 6. Section 19535 of the Business and Professions Code, as enacted by Chapter 647, Statutes of 1967, is amended to read:

19535. The maximum number of racing days which may be allocated for Appaloosa or Arabian racing is 100 days. Such racing days shall be concurrent with racing days allocated to quarter horse and harness racing and may be allocated only to the California State Fair and Exposition or California State Exposition and Fair or a county or district agricultural association fair.

SEC. 7. 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 such necessity are:

This act provides for the allocation of Arabian horse racing days. In order for the changes which it makes to be effective before the California Horse Racing Board allocates racing days for the 1968 calendar year, and to insure that the state maximizes additional revenue for the General Fund which would be made possible by implementation of the provisions of this act, it is imperative that this act become effective immediately.

CHAPTER 1494

An act to add Sections 24071.1, 24074.2, and 24081 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 24071.1 is added to the Business and Professions Code, to read:

24071.1. When the ownership of 50 percent or more of the shares of stock of a corporation, which is required to report the issuance or transfer of such shares of stock under Section 23405, is acquired by or transferred to a person or persons who did not hold the ownership of 50 percent of such shares of stock on the date the license was issued to the corporation, the license of the corporation shall be transferred to the newly constituted corporation. The fee for such transfer shall be one hundred dollars ($100) which shall be deposited as provided in Section 24072. Before the license is transferred, the department shall conduct an investigation pursuant to the provisions of Section 23958. Any person or persons who own 50 percent or more of the shares of stock of the corporation shall have all the qualifications required of a person holding the same type of license.

The notice required to be published under Section 24073 and the escrow provisions of Sections 24074 and 24074.1 shall apply in the exchange of a license as herein provided.

SEC. 2. Section 24074.2 is added to the Business and Professions Code, to read:

24074.2. Any person desiring to act as an escrow holder under Section 24074 shall not release any funds in the escrow in exchange for a promissory note or in exchange for any other consideration of less value to the creditors than the funds exchanged.

SEC. 3. Section 24081 is added to the Business and Professions Code, to read:

24081. Notwithstanding any other provision of law in this division including, but not limited to, requirements relating to the issuance or transfer of a license, any licensee whose premises, for which a license has been issued, have been destroyed as a result of fire or any act of God or other force beyond the control of such licensee may carry on his business for a period of not more than 60 days at a location within 500 feet of the premises for which the license was issued and while such premises are being repaired or rebuilt and he shall be entitled to carry on his business under his existing license upon the former premises when they have been repaired or rebuilt.

SEC. 4. The revenues derived from the fees provided for in this act shall not be available for expenditure until appropriated by the Legislature.

CHAPTER 1495

An act to add Sections 23004.1, 23004.2, and 23004.3 to the Government Code, relating to county actions.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 23004.1 is added to the Government Code, to read:

23004.1. (a) Subject to the provisions of Section 23004.3, in any case in which the county is authorized or required by law to furnish hospital, medical, surgical, or dental care and treatment, including prostheses and medical appliances, to a person who is injured or suffers a disease, under circumstances creating a tort liability upon some third person to pay damages therefor, the county shall have a right to recover from said third person the reasonable value of the care and treatment so furnished or to be furnished, or shall, as to this right, be subrogated to any right or claim that the injured or diseased person, his guardian, personal representative, estate, or survivors has against such third person to the extent of the reasonable value of the care and treatment so furnished or to be furnished.

(b) The county may, to enforce such rights, institute and prosecute legal proceedings against the third person who is liable for the injury or disease in the appropriate court, either in its own name or in the name of the injured person, his guardian, personal representative, estate, or survivors. Such action shall be commenced within the period prescribed in Section 340 of the Code of Civil Procedure. In the event that the injured person, his guardian, personal representative, estate, survivors, or either of them brings an action for dam-

ages against the third person who is liable for the injury or disease, the county's right of action shall abate during the pendency of such action, and continue as a first lien against any judgment recovered by the injured or diseased person, his guardian, personal representative, estate, or survivors, against the third person who is liable for the injury or disease, to the extent of the reasonable value of the care and treatment so furnished or to be furnished. When the third person who is liable is insured, the county shall notify the third person's insurer, when known to the county, in writing of the lien within 30 days following the filing of the action by the injured or diseased person, his guardian, personal representative, estate, or survivors, against the third person who is liable for the injury or disease; provided, however, that failure to so notify the insurer shall not prejudice the claim or cause of action of the injured or diseased person, his guardian, personal representative, estate, or survivors, or the county.

SEC. 2. Section 23004.2 is added to the Government Code, to read:

23004.2. (a) The county may (1) compromise, or settle and execute a release of, any claim which the county has by virtue of the rights established by Section 23004.1; or (2) waive any such claim, in whole or in part, for the convenience of the county, or if the governing body of the county determines that collection would result in undue hardship upon the person who suffered the injury or disease resulting in care or treatment described in Section 23004.1.

(b) No action taken by the county in connection with the rights afforded under Section 23004.1 or this section shall be a bar to any action upon the claim or cause of action of the injured or diseased person, his guardian, personal representative, estate, or survivors against the third person who is liable for the injury or disease, or shall operate to deny to the injured person the recovery for that portion of his damage not covered hereunder.

SEC. 3. Section 23004.3 is added to the Government Code, to read:

23004.3. Sections 23004.1 and 23004.2 shall become operative in a county only if the board of supervisors of that county, by resolution, elects to be governed by the provisions of such sections.

CHAPTER 1496

An act to amend Section 15954 of the Education Code, relating to purchases through public corporations.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 15954 of the Education Code is amended to read:

15954. Notwithstanding any other provisions of Sections 15951 to 15960, inclusive, the governing board of any school district without advertising for bids may authorize by contract, lease, requisition or purchase order, any public corporation or agency within the county whose superintendent of schools has jurisdiction over such school district, including the county, any city, town, district, or other school district of such county under the jurisdiction of the same county superintendent of schools, to lease data processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property for the district in the manner in which such other public corporation or agency is authorized by law to make such leases or purchases. Upon receipt of any such personal property, provided the same complies with the specifications set forth in the contract, lease, requisition or purchase order, the school district shall draw a warrant in favor of such other public corporation or agency for the amount of the approved invoice, including the reasonable costs to such other public corporation or agency for furnishing the services incidental to the lease or purchase of such personal property.

CHAPTER 1497

An act to add Part 1 (commencing with Section 12000) to Division 11 of, and to repeal Part 1 (commencing with Section 12000) of Division 11 of, the Health and Safety Code, relating to high explosives.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Part 1 (commencing with Section 12000) of Division 11 of the Health and Safety Code is repealed.

SEC. 2. Part 1 (commencing with Section 12000) is added to Division 11 of the Health and Safety Code, to read:

PART 1. HIGH EXPLOSIVES

CHAPTER 1. DEFINITIONS AND SCOPE

12000. For the purposes of this part, the term "explosives" shall mean any substance, or combination of substances, that is commonly used for the purpose of detonation and which, upon exposure to any external force or condition, is capable of a relatively instantaneous release of gas and heat. The term "explosives" shall include, but shall not necessarily be limited to, all of the following:

(a) Substances determined to be class A and class B explosives as classified by the Interstate Commerce Commission.

(b) Nitro carbo nitrates substances (blasting agent) as classified by the Interstate Commerce Commission.

(c) Any material designated as an explosive by the State Fire Marshal. Such designation shall be made pursuant to the classification standards established by the Interstate Commerce Commission. The State Fire Marshal shall adopt regulations in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code to establish procedures for the classification and designation of explosive materials or explosive devices that are not under the jurisdiction of the Interstate Commerce Commission.

(d) Certain class C explosives as designated by the Interstate Commerce Commission when listed in regulations adopted by the State Fire Marshal.

12001. This part does not apply to any of the following:

(a) Any person engaged in the transportation of explosives regulated by, and when subject to, the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code.

(b) Small arms ammunition of .75 caliber or less when designated as a class C explosive by the Interstate Commerce Commission.

(c) Fireworks regulated under Part 2 (commencing with Section 12500) of this division.

(d) Any explosives while in the course of transportation via railroad, aircraft, water, or highway when the explosives are in actual movement and under the jurisdiction of and in conformity with regulations adopted by the Interstate Commerce Commission, United States Coast Guard, or the Federal Aviation Agency. However, no explosives shall be sold, given away, or delivered except as provided in Section 12120.

(e) Special fireworks classified by the Interstate Commerce Commission as class B explosives when such special fireworks are regulated under Part 2 (commencing with Section 12500) of this division.

12002. Except when transporting explosives on highways and at safe stopping places established under the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code, this part does not affect the operation of provisions of any city, county, or city and county ordinance respecting the delivery, storage, and handling of explosives which are at least as restrictive as the provisions of this part.

12003. "Chief" means the State Forester and his authorized representatives, the chief of a fire department or fire protection agency maintained by a city, county, or city and county fire protection district and his authorized representatives, or the United States Forest Service. In any area of the state in which there exists no organized fire protection agency responsible for the protection of the area, "chief," for the purpose of this part only, shall mean the county sheriff and his authorized representatives.

Upon request of the State Forester, the chief of a fire department or fire protection agency, or upon request of the county sheriff the governing body of the area under the jurisdiction of such requesting chief or sheriff may designate any person as "chief" for the purposes of this part.

12004. For the purposes of this part, the term "person" shall mean any person, organization, firm, corporation, association, city, county, city and county, and state, and shall include any of their employees and authorized representatives.

12005. This part does not apply to the transportation and use of explosives by representatives of the California Highway Patrol, local police departments, sheriffs' departments, and fire departments acting in their official capacity.

12006. The provisions of this part and the regulations adopted by the State Fire Marshal pursuant to this part shall not apply when the use, handling, possession, storage and transportation is subject to the requirements of the Division of Industrial Safety, Department of Industrial Relations, except as the provisions of this part and the regulations adopted by the State Fire Marshal may extend beyond the scope or authority of the Division of Industrial Safety, Department of Industrial Relations.

CHAPTER 2. ENFORCEMENT

12020. The chief, as defined in Section 12003, shall in his area of jurisdiction enforce the provisions of this part and the regulations adopted by the State Fire Marshal pursuant to this part.

The representatives of the California Highway Patrol, local police department, and sheriff's department may enforce the provisions of this part.

CHAPTER 3. GENERAL

12080. (a) No person shall sell, give away, or transport any explosive which has not been classified as provided in Section 12000.

(b) The State Fire Marshal, upon receiving an application from any interested party, with the concurrence of the chief in the area affected, and if he determines that such action may be taken without jeopardizing the public welfare and safety, may authorize the transportation of unclassified explosives provided all other provisions of this part are met.

12081. The State Fire Marshal shall prepare and adopt, in accordance with the provisions of Chapter 4.5 (commencing at Section 11371), Part 1, Division 3, Title 2 of the Government Code, reasonable regulations which are not in conflict with this part, relating to the sale, use, handling, possession, and storage of explosives.

The regulations adopted by the State Fire Marshal shall:

(a) Make reasonable allowances for storage facilities in existence when the regulations become effective. No allowance, however, shall be made for storage facilities which constitute a distinct hazard to life and property.

(b) Be based on performance standards wherever possible.

(c) Make reasonable allowances for the storage of gunpowder for commercial and private use.

In making the regulations the State Fire Marshal shall consider as evidence of generally accepted safety standards the publications of the National Fire Protection Association, the United Bureau of Mines, the United States Department of Defense, and the Institute of Makers of Explosives.

12082. No explosives shall be sold, given, or delivered to any person under 21 years of age, whether such person is acting for himself or for another person, nor shall any such person be eligible to obtain any permit to receive explosives governed by the provisions of this part.

12083. With the exception of the chief, the owner, a person authorized to enter by the owner, or the owner's agent, no person shall enter any explosive manufacturing plant, magazine, or vehicle containing explosives.

12084. No person shall willfully discharge any firearm within 500 feet of any magazine or any explosive manufacturing plant.

12085. No person shall make, possess, or transport any explosive in a manner prohibited by this part or prohibited by any ordinance of a city, county, or city and county, or prohibited by the laws or regulations governing a harbor in those areas where such ordinance, laws, or regulations apply.

12086. Any theft or loss of explosives, whether from a storage magazine, a vehicle in which they are being transported, or from a site on which they are being used, or from any other location, shall immediately be reported by the person having control of such explosives to the chief having jurisdiction in the area in which the theft or loss occurred, or to the local police or county sheriff.

12087. No person shall abandon or otherwise dispose of any explosives in any manner which might, as the result of such abandonment or disposal, create any danger or threat of danger to life or property. Any person in possession or control of explosives required in the performance of his duties shall, when the need for such explosives no longer exists, either return the explosives to a magazine conforming to the regulations adopted by the State Fire Marshal or shall destroy the explosives in a safe manner so as not to make them available to persons who might obtain them and use them in a manner prejudicial to the safety of life and property. Magazines or temporary magazines used for storage purposes in any area where blasting is required shall, when the need for such storage no longer exists and the explosives have been removed or disposed of as above required, be removed or demolished, or signs, indicating the presence of explosives in

such magazines or on the premises on which such magazines are located, shall be removed or effectively obliterated.

12088. The contents of a package containing explosives shall be plainly marked on the outside of the package at the time the package is delivered for transportation.

It is unlawful for any person to deliver, or cause to be delivered, to any carrier for transportation any explosive under any false or deceptive marking, description, invoice, shipping order, or other declaration.

12089. Except when transporting explosives received under Section 12102 of this code, every motor vehicle used in the transportation of explosives and which is subject to this part, shall have displayed thereon, signs conforming to the regulations of the Interstate Commerce Commission.

12090. There shall not be included in any cargo of explosives any flammable liquids, acids, or corrosive liquids, oxidizers, or combustible materials, other than the explosives themselves, which may have such characteristics. Blasting caps or detonators shall not be transported upon the same vehicle with other explosives, nor shall electric blasting caps be transported upon any vehicle equipped with two-way radio. The foregoing provisions of this section shall be subject to such exceptions as are permitted by the Interstate Commerce Commission loading chart for cargoes of explosives.

CHAPTER 4. PERMITS

12101. (a) No person shall do any one of the following without first having made application for and received a permit in accordance with the provisions of this section:

(1) Manufacture explosives

(2) Receive, store, or possess explosives.

(3) Transport explosives.

(4) Use explosives.

(5) Operate a terminal for handling explosives.

(6) Park or leave standing any vehicle carrying explosives, except when parked or left standing in or at a safe stopping place designated as such by the State Fire Marshal under the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code.

(b) Application for a permit shall be made to the appropriate chief in accordance with the provisions of Section 12103

(c) Except as provided in this subdivision, a permit shall be issued by the chief having the responsibility in the area where the activity, as specified in subdivision (a) of this section, is to be conducted. Permits to transport explosives shall be issued by the chief of the area where the explosives are to be used or stored.

Permits to receive and transport explosives to the site intended for use or storage may be obtained from the chief in the area in which explosives are received or sold provided the

form of the permit includes a statement that a permit to use or store such explosives must be obtained from the chief in the area of such use or storage.

(d) In the event any person desires to receive explosives for use in an area outside of this state, a permit to receive such explosives, using the form prescribed by the State Fire Marshal, shall be obtained from the chief in whose area the explosives are to be received.

(e) A permit may include any restrictions or conditions which the chief finds necessary for the prevention of fire and explosion and the preservation of life safety.

(f) The performance of any act or acts authorized by the permit may be performed only as long as the permit issued remains valid.

(g) Any valid permit which authorizes the performance of any act shall not constitute authorization for the performance of any act not stipulated in the permit.

12102. This chapter does not apply to any sale, gift, delivery, or other disposition of 20 pounds or less of smokeless powder, or one pound or less of black sporting powder, provided that:

(a) Smokeless powder is intended only for hand loading of small arms ammunition of .75 caliber or less.

(b) Black sporting powder is intended for loading of small arms or small arms ammunition of .75 caliber or less.

(c) All such powder is for private use and not for resale.

(d) The storage, use and handling of such smokeless and black powder conforms to rules, regulations, or ordinances of authorities having jurisdiction for fire prevention and suppression in the area of such storage, use, and handling of such explosives.

12103. Application for a permit, as required under Section 12101, shall be made by filing a statement on forms prescribed by the State Fire Marshal. Such statement may contain, but shall not necessarily be limited to, the following:

(a) The name and address of the applicant.

(b) The name and address of the employee or authorized representatives designated by the applicant as being responsible for the use, handling, storage, possession, or transportation of explosives for the applicant.

(c) The place where, and the purpose for which, the explosives are intended to be used, handled, stored, or possessed.

(d) The type and amount of explosives for which application is made.

(e) The signature of the applicant.

(f) The number of times purchases may be made and the frequency of such purchases.

(g) The routes, highways, and stopping places intended to be utilized in transporting the explosives.

12105. If the chief finds, after reviewing the application for a permit, that the applicant possesses sufficient and adequate facilities to conduct the acts specified in the application, and

that the issuance of such permit would not appear to be contrary to the public welfare and safety, he shall issue a permit authorizing the applicant to engage in such specific acts. The chief may, at his discretion, require the submission of any personal information relevant to the acts for which application is made.

12106. When required by and in amounts set forth in local ordinance, applicant for a permit for explosives shall submit evidence that the applicant has a minimum and specified amount of funds available for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any legal judgment results.

Such evidence, when required, shall be a bond issued by an authorized surety company or a public liability insurance policy or cash or other evidence of financial security acceptable to the State Fire Marshal. The minimum amount of any such bond or insurance policy shall be determined by the appropriate chief.

12107. The chief shall, in the exercise of reasonable discretion, deny a permit to any person if it is his opinion that the handling or use of explosives by such person would be hazardous to property or dangerous to any person.

12108. The form of the permits shall be prescribed by the State Fire Marshal. Permits shall be numbered by the local agency issuing the permit.

12109. Except as provided in Section 12111, permits shall be valid for the period of time specified thereon.

12110. No permit issued under the provisions of this chapter shall be transferable.

12111. A permit may be suspended or revoked, after reasonable notice and hearing, by any chief having the responsibility for the prevention and suppression of fire in the area in which explosives are sold, used, stored, handled, or possessed, if the person to whom the permit was issued sells, uses, stores, or handles the explosives in a manner which is unlawful or which creates an unreasonable hazard to life and property.

If the suspension or revocation is effected by the chief of a jurisdiction other than that jurisdiction in which the permit was issued, the chief taking action to suspend or revoke a permit shall immediately notify the agency who issued the permit of the action taken.

12112. Any decision or action by any chief made pursuant to this part may be appealed to the governing body of the area in which such decision or action is made.

CHAPTER 5. SALE OR OTHER DISPOSITION

12120. No person shall knowingly sell, give away, deliver, or otherwise dispose of any explosive to any person who does not possess a valid permit as required pursuant to Section 12101.

12121. Every person who sells, gives away, delivers, or otherwise disposes of explosives shall keep an accurate journal, record book, or a record of sale in which he shall note each sale, delivery, gift, or other disposition of an explosive and the time when such disposition is made whether in the course of business or otherwise. Such journal, record book, or the record of sale shall be kept on file for a period of not less than three years.

12122. Each notation in the journal, record book, or each record of sale, as required by Section 12121, shall legibly show:

(a) The date of each sale, delivery, gift, or other disposition of explosives.

(b) The name and quantity of the explosives sold, delivered, given away, or otherwise disposed of.

(c) The name, address, and business of the purchaser or transferee.

(d) When the explosives are to be transported under Division 14 (commencing with Section 31600) of the Vehicle Code, the permit number issued by the California Highway Patrol; or when transported other than under Division 14 (commencing with Section 31600) of the Vehicle Code, the vehicle operator's license number or other comparable identification, the motor vehicle license number of the vehicle used, and the name and address of the individual to whom the explosives are to be delivered.

(e) The number of the permit to receive explosives.

(f) The name of the public agency which issued the permit and the name of the officer issuing such permit.

12123. The journal, record book, or record of sale shall be kept by the person required to keep it in his principal office or place of business. It shall be at all times, on proper demand, subject to the inspection and examination of any chief or other duly authorized law enforcement official.

12124. The keeping of a journal or record books required by Sections 12121, 12122 and 12123 does not apply to those persons who are rendering a delivery service under a permit issued by the California Highway Patrol pursuant to Division 14 (commencing with Section 31600) of the Vehicle Code.

CHAPTER 6. STORAGE

12150. Except for explosives kept only at an explosive manufacturing plant, no person shall possess, keep, or store any explosive which is not completely encased in a tight metal, wooden, or fiber container, or a container approved by the Interstate Commerce Commission.

No person having any explosives in his possession or control shall under any circumstances permit or allow any grains or particles of such explosives to be or remain on the outside of, or about, the containers in which such explosives are kept.

12150.5. Every person having any blasting caps (electric or nonelectric) in his possession or control shall keep the same

securely deposited in a locked receptacle, except when taken therefrom for actual use, transportation, or sale.

12151. Except while in the custody of a common carrier or in course of transportation pending delivery to a consignee, all explosives shall be kept or stored as specified in the rules or regulations adopted by the State Fire Marshal pursuant to this part.

CHAPTER 7. ILLEGAL USE OR POSSESSION

12302. Every person who willfully does any of the following is guilty of a felony:

(a) Carries any explosive on any vessel, car, or other vehicle that transports passengers for hire.

(b) Places or carries any explosive, while on board any such vessel, car, or vehicle, in any hand baggage, roll, or other container.

(c) Places any explosive in any baggage which is later checked with any common carrier.

12303. "Lawful possession of an explosive," as used in this chapter, means possessing explosives as follows:

(a) In the course of the business of manufacturing, selling, or transporting such explosives.

(b) In the course of legitimate blasting operations.

(c) In the course of legitimate manufacturing or experimentation operations.

(d) In the transportation of explosives upon the highways in accordance with the provisions of Division 14 (commencing with Section 31600) of the Vehicle Code.

12304. Every person who does any of the following is guilty of a felony:

(a) Recklessly or maliciously has in his possession an explosive on a public street or highway; in or near any theater, hall, school, college, church, hotel, other public building, or private habitation; in, on, or near any railway passenger train, or car, cable road or cable car, vessel engaged in carrying passengers, or other public place ordinarily passed by human beings.

(b) Recklessly or maliciously uses an explosive to intimidate, terrify, or endanger any human being.

Any person not in the lawful possession of an explosive who is found with an explosive on his person or in his possession on, in, or near any of the buildings, means of transportation, or places mentioned in this section, is presumably guilty of reckless and malicious possession of the explosive.

12305. Every person not in the lawful possession of an explosive who knowingly has any explosive in his possession is guilty of a felony.

12306. Every person is guilty of a felony who, with the intent to injure or destroy any of the following places or things, or with the intent to injure, intimidate, or terrify any human being, maliciously uses, places, deposits, explodes, or attempts to explode any explosive at, in, under, or near, or takes any ex-

plosive on, in or near, any (a) building, vessel, boat, railroad, tramroad, cable road, train, car, depot, stable, car-house, theater, schoolhouse, church, or dwelling; or (b) other place usually inhabited, frequented, or passed by human beings, or where human beings usually assemble; or who by any of such acts injures or endangers any such human beings.

CHAPTER 8. CONFISCATION

12350. Except as provided in subdivision (b) of Section 12080, any unclassified explosives which are sold, given away, or transported shall be subject to immediate seizure by any chief or police official.

12351. Any explosives which are illegally manufactured, sold, given away, delivered, stored, used, possessed, or transported shall be subject to immediate seizure by any chief or police official.

12352. When a permit issued pursuant to this part has been suspended or revoked any explosives in the possession of such permittee shall be subject to immediate seizure by the chief causing such suspension or revocation.

12353. Any explosive seized under this chapter shall be stored in an approved manner and in accordance with regulations adopted by the State Fire Marshal. The person from whom such explosives have been seized may within 10 days after such seizure petition the governing body of the area in which such seizure was made to return the explosives upon the ground that such explosives were illegally or erroneously seized. Any such petition so filed shall be considered by the governing body within 15 days after filing and an oral hearing shall be granted the petitioner if requested. Notice of the decision of the governing body shall be served upon the petitioner.

12354. If the governing body finds that the explosives were illegally or erroneously seized, the explosives shall be returned to the petitioner. The determination of the governing body is final unless within 60 days of the notice served pursuant to this chapter, an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the explosives seized by the chief.

12355. If no petition is received by the governing body within 10 days of seizure of any explosive, or if no action is commenced in a court of competent jurisdiction in the State of California within 60 days of the notice served pursuant to this chapter, the chief may dispose of the seized explosives in any manner which will not jeopardize public welfare and safety. When any explosive is disposed of pursuant to this section, the person from whom such disposed of explosives were seized shall not have any legal redress against the chief who caused the disposal of the explosives.

CHAPTER 9. PENALTIES

12400. Except as provided in Chapter 7 (commencing with Section 12302), Part 1, Division 11 of the Health and Safety Code, every person who violates any provision of this part, or violates any regulation adopted by the State Fire Marshal pursuant to this part, is guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars ($1,000), or by imprisonment for not more than six months, or by both such fine and imprisonment.

12401. Every person who is found guilty of a felony as specified in this part is punishable by imprisonment in the state prison not exceeding five years, or in a county jail not exceeding one year, or by fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment.

CHAPTER 1498

An act to amend Sections 27903, 31600, 31601, 31609, 31610, and 31614 of, to add Section 27904 to, and to repeal Section 27904 of, the Vehicle Code, relating to explosives.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 27903 of the Vehicle Code is amended to read:

27903. Notwithstanding other provisions of this code no person shall operate any vehicle transporting any explosive substance, flammable liquid, flammable solid, oxidizing material, corrosive liquid, compressed gas, poison gas, poison liquid, poison solid, radioactive material or other materials classified by the Interstate Commerce Commission as a dangerous article unless at the time of such transportation there is displayed on the vehicle signs conforming to the regulations of the Interstate Commerce Commission.

This section does not apply if the vehicles are transporting not more than 20 pounds of smokeless powder or not more than five pounds of black sporting powder or any combination thereof.

SEC. 2. Section 27904 of the Vehicle Code is repealed.

SEC. 3. Section 27904 is added to the Vehicle Code, to read:

27904. Notwithstanding the provisions of Section 27903, a vehicle which is used for the transportation of flammable liquids defined in Section 324 of this code may display the required signs when empty or when transporting any liquid with a flashpoint below 200 degrees Fahrenheit.

SEC. 4. Section 31600 of the Vehicle Code is amended to read:

31600. For the purposes of this part, the term "explosive" or "explosives" shall mean any substance, or combination thereof, that is commonly used for the purpose of detonation and which, upon exposure to any external force or condition, is capable of a relatively instantaneous release of gas and heat. The term "explosive" or "explosives" shall include, but shall not necessarily be limited to, all of the following:

(a) Substances determined to be class A or class B explosives as classified by the Interstate Commerce Commission.

(b) Nitro carbo nitrates (blasting agents) substances as classified by the Interstate Commerce Commission.

(c) Any substance meeting the provisions of this section when designated as class A or class B in regulations adopted by the State Fire Marshal in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code. Such designations shall be made pursuant to classification standards established by the Interstate Commerce Commission.

(d) The term "explosives" as used in this division shall not be deemed to include small arms ammunition of .75 caliber or less, nor any other class C explosives as classified by the Interstate Commerce Commission.

(e) This division shall not apply to special fireworks classified by the Interstate Commerce Commission as class B explosives when such special fireworks are regulated by and in conformance with Part 2 (commencing with Section 12500) of Division 11 of the Health and Safety Code.

SEC. 5. Section 31601 of the Vehicle Code is amended to read:

31601. (a) This division shall apply to the operation of any motor vehicle on any highway, and to the operation and parking of any vehicle on any property designated pursuant to this division as a safe stopping place for the purpose of transporting any explosive in any amount when the transportation is rendered as a delivery service or for hire, or in any other event for the purpose of transporting any explosive in an amount in excess of 1,000 pounds The transportation of quantities of explosives of 1,000 pounds or less, or other than on a public highway, is governed by Division 11 (commencing at Section 12000) of the Health and Safety Code. Notwithstanding other provisions of this section, a permit required by Section 31602 may be used to transport quantities of less than 1,000 pounds of explosives if all other requirements of this division are met.

(b) It is the legislative intention in enacting this division and with particular reference to requiring permits for transportation of explosives as set forth herein that said provisions shall apply uniformly throughout the State of California and that said permit to be obtained from the Department of the California Highway Patrol shall be in lieu of any requirement for any permit to be obtained by any said owner from any local authority within the state.

SEC. 6. Section 31609 of the Vehicle Code is amended to read:

31609. Every person operating a vehicle or combination of vehicles in the transportation of explosives subject to this division shall complete a record of every inspection which is required under Sections 31607 and 31608 in such form as approved by the Department of the California Highway Patrol showing the time and place of every inspection. The person making the inspection shall certify the fact in the record. The forms may be based upon the type used by the Interstate Commerce Commission. The record of every inspection shall be made at the time such inspection is conducted.

The driver of the vehicle shall display the record upon demand of any member of the California Highway Patrol or any police officer of a city who is on duty for the exclusive or main purpose of enforcing the provisions of this code.

SEC. 7. Section 31610 of the Vehicle Code is amended to read:

31610. Every vehicle or combination of vehicles used in the transportation of explosives and subject to this division, in addition to any other equipment required by law, shall be equipped and maintained as required by this section.

(a) Brakes and the brake system shall be maintained in good and safe operating condition.

(b) The ignition and lighting systems shall be maintained in good operating condition. Every vehicle or combination of vehicles shall be equipped with at least one spare electric bulb for each kind of electric lamp used for any of the lighting devices required under this code and one spare fuse for each type fuse used in the electrical system.

(c) All tires shall be in good condition, properly matched and inflated. Except as may be necessary to cause immediate replacement, no vehicle shall be driven unless all tires in actual use on the vehicle are properly inflated.

(d) There shall be carried at least two fire extinguishers, filled and ready for use, one bearing the approval of the Underwriters Laboratories as a 2:A Unit, the other as a 4.B:C Unit.

In lieu of the two extinguishers, one extinguisher having the combined Underwriters Laboratories unit rating may be carried. The extinguishing agent shall be one that does not require protection from freezing.

Fire extinguishers shall be placed in a readily accessible location and shall be maintained in an efficient operating condition.

(e) Every vehicle or combination of vehicles shall carry two red flags, each not less than 16 inches square, for use as warning devices and either three red electric lanterns or three red emergency reflectors. No flare, fusee, oil lantern or any signal device producing a flame shall be carried upon any vehicles or combination of vehicles.

SEC. 8. Section 31614 of the Vehicle Code is amended to read:

31614. The following provisions shall apply to any vehicle transporting explosives subject to this division:

(a) When transporting explosives through or into a city or any other congested area for which a route has not been designated by the State Fire Marshal, drivers shall follow such routes as may be prescribed or established by local authorities.

(b) Where routes are not prescribed by local authority, every driver of a vehicle transporting explosives shall avoid, so far as practicable, and, where feasible, by prearrangement of routes, driving into or through congested thoroughfares, places where crowds are assembled, streetcar tracks, tunnels, viaducts, and dangerous crossings.

(c) No driver or other person in charge of any vehicle on any public or private property shall permit any explosive to be loaded into, or on, or to be unloaded from any motor vehicle with the engine running, and, whenever any loading operation is in progress, the parking brake on the motor vehicle shall be securely set and all reasonable precautions taken to prevent movement of the motor vehicle during loading or unloading.

(d) No driver or other person in charge of such vehicle shall operate or permit the operation of any vehicle transporting explosives unless all of that portion of the lading which consists of explosives is contained entirely within the body of the motor vehicle or within the horizontal outline thereof, without overhang or projection of any part of the load, and if such motor vehicle has a tailboard or tailgate, it shall be closed and secured in place during such transportation.

(e) Every motor vehicle transporting explosives shall have either a closed body or have the body thereof covered with a tarpaulin, and in either event, care shall be taken to protect the load from moisture and sparks. Subject to other exceptions as are permitted by the Interstate Commerce Commission regulations, explosives may be transported on flat-bed vehicles if the explosive portion of the load on each vehicle is packed in fire- and water-resistant containers or covered with a fire- and water-resistant tarpaulin.

(f) No person shall operate any vehicle transporting explosives past any fire of any kind burning on or near the highway until the driver ascertains that such passing can be made with safety.

(g) No motor vehicle transporting explosives shall be left unattended upon any street or highway except in extreme emergency. The vehicle shall be deemed attended whenever a driver or person in charge thereof is in or upon the vehicle or is in a position to observe the vehicle at all times. The driver or person in charge of a vehicle transporting explosives may however leave the vehicle unattended at any place designated as a safe parking place on the list of safe stopping places pre-

pared by the State Fire Marshal unless conditions exist, which are known to the driver, which make it unreasonable to do so.

(h) No driver or other person shall smoke or light any match or otherwise have or produce any fire or flame while in, upon, or near any vehicle transporting explosives.

CHAPTER 1499

An act to amend Section 2873 of the Business and Professions Code, relating to vocational nursing.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 2873 of the Business and Professions Code is amended to read:

2873. Any person possessing education and experience equivalent to that acquired in an accredited school of vocational nursing may be licensed as a vocational nurse under the provisions of this chapter, provided that he successfully demonstrates to the board that he possesses the necessary qualifications, and successfully passes such examinations or tests as may from time to time be required by the board.

SEC. 2. Section 1 of this act shall become operative on July 1, 1968.

CHAPTER 1500

An act to amend Sections 10460, 10461, 10611 and 10612 of, and to add Section 10462 to, the Health and Safety Code, and to amend Section 26840 of the Government Code, and to amend Section 54 of Chapter 120, Statutes of 1966, First Extraordinary Session, relating to vital statistics.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 10460 of the Health and Safety Code is amended to read:

10460. Whenever the parents of a minor child born in this state have their surname changed by order of a court of this state, or any other state, or whenever the father of a minor child born in this state has his surname changed by a court order in naturalization proceedings, an affidavit of that fact may be filed by the parent with the State Registrar upon a form provided for that purpose.

SEC. 2. Section 10461 of the Health and Safety Code is amended to read:

10461. Upon receipt of the affidavit and a copy of the court order, or other satisfactory evidence that such a court order was in fact entered, and upon payment of the required fee, the State Registrar shall establish a new birth certificate for the child reflecting this change in surname of the parents, and all records relating to this birth shall be handled in the manner prescribed in Article 4 (commencing with Section 10430) of this chapter, if the original record of birth is on file in the office of the State Registrar.

SEC. 3. Section 10462 is added to the Health and Safety Code, to read:

10462. The State Registrar shall send a certified copy of the newly established certificate of birth to the applicant without further charge.

SEC. 4. Section 10611 of the Health and Safety Code is amended to read:

10611. A fee of five dollars ($5) shall be paid to the State Registrar by the applicant for the establishment of a new certificate of birth under the provisions of Article 7 (commencing with Section 10460) of Chapter 8 of this division.

SEC. 5. Section 10612 of the Health and Safety Code is amended to read:

10612. A fee of five dollars ($5) shall be paid to the State Registrar by the applicant at the time of application for a delayed birth registration under the provisions of Chapter 9 (commencing with Section 10500) of this division. Upon acceptance of the application the State Registrar shall retain the fee.

SEC. 6. Section 26840 of the Government Code is amended to read:

26840. The fee for issuing a marriage license is six dollars ($6), to be collected at the time it is issued. One dollar ($1) of this fee shall be paid to the county recorder, one dollar ($1) of this fee shall be paid to the county clerk, and one dollar ($1) of this fee shall be paid to the State Registrar of Vital Statistics and three dollars ($3) of this fee shall be disposed of pursuant to the provisions of Section 54 of Chapter 120, Statutes of 1966, First Extraordinary Session. In counties where the salary of the county recorder is the sole compensation allowed by law, this fee shall be paid to the county treasurer who shall credit one dollar ($1) to the county recorder and shall pay one dollar ($1) to the State Registrar of Vital Statistics. The fee provided by this section is in full for all services of the clerk and recorder in connection with the issuance of a marriage license and the filing of a certificate of registry of marriage.

SEC. 7. Section 54 of Chapter 120, Statutes of 1966, First Extraordinary Session, is amended to read:

Sec. 54. Except as provided in Section 26840 of the Government Code, notwithstanding any other provisions of law to

the contrary, the additional amount of revenue which a county receives pursuant to the provisions of this act which is attributable to the increase of fees authorized by this act shall be deposited in the Property Tax Reduction Fund, which fund shall be established by the board of supervisors of a county pursuant to Article 10 (commencing with Section 29520) of Chapter 2 of Division 3 of Title 3 of the Government Code.

SEC. 8. Section 54 of Chapter 120, Statutes of 1966, First Extraordinary Session, is amended to read:

Sec. 54. Except as provided in Section 26840 of the Government Code, notwithstanding any other provisions of law to the contrary, the additional amount of revenue which a county receives pursuant to the provisions of this act which is attributable to the increase of fees authorized by this act may be deposited in the Property Tax Reduction Fund, which fund shall be established by the board of supervisors of a county pursuant to Article 10 (commencing with Section 29520) of Chapter 2 of Division 3 of Title 3 of the Government Code.

SEC. 9. Section 8 of this act shall become operative only if Assembly Bill No. 1614 is enacted by the Legislature at its 1967 Regular Session, and in such case on January 1, 1968, or at the same time as Assembly Bill No. 1614 takes effect, whichever is later; at which time Section 54 of Chapter 120, Statutes of 1966, First Extraordinary Session, as amended by Section 7 of this act, is repealed.

SEC. 10. This act shall become operative on January 1, 1968.

CHAPTER 1501

An act to add Section 19664 to the Business and Professions Code, relating to horseracing.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 19664 is added to the Business and Professions Code, to read:

19664. It is unlawful for any person, for the purpose of selling or offering to sell predictions on horseraces, to advertise that he has predicted the outcome of any horserace which has been run in this state, unless such person has notified in writing the California Horse Racing Board, at any of its offices, of his predictions at least three hours prior to the race involved on forms prescribed by the board. No person shall advertise the fact that he has notified the board or use the name of the board in any way whatsoever to promote the activities described in this section.

For the purposes of this section the term "advertise" includes the use of a newspaper, magazine or other publication,

book notice, circular, pamphlet, letter, handbill, tip sheet, poster, bill, sign, placard, card, label, tag, window display, store sign, radio or television announcement, or any other means or methods now or hereafter employed to bring to the attention of the public information concerning the outcome of horseraces.

Nothing herein contained shall apply to any daily newspaper of general circulation which is regularly entered in the United States mail, or any other daily publication carrying complete past performances of horses entered in races, or to any regularly published magazine or periodical devoted to racing news, which magazine or periodical has been published for at least two years.

Violation of this section is a misdemeanor.

CHAPTER 1502

An act to add Section 14672.3 to the Government Code, relating to state property.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 14672.3 is added to the Government Code, to read:

14672.3. Notwithstanding Section 14670, the Director of General Services may lease for a term of up to five years, with an option for a five-year extension of the lease that may be acted upon by the lessee at any time during the lease, portions of a levee surrounding approximately 32 acres of submerged tidelands at the confluence of the Sacramento and San Joaquin Rivers, north of Antioch, known as Lower Sherman Island, which are currently under lease for a term of five years to owners of buildings situated on such property. If the option to extend the lease for five years is exercised the annual rental shall be increased 50 percent over the current rental in consideration therefor. The lessee may, with the approval of the director, assign the lease or option, or both, to a third party.

CHAPTER 1503

An act relating to sanitation agencies, and in this connection to create the North Lake Tahoe-Truckee River Sanitation Agency for the collection, treatment, and disposal of sewage, industrial waste, and storm water within the agency, and

prescribing its organization, powers, and duties, and to repeal Division 22 (commencing with Section 77000) of the Water Code.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

PART 1. INTRODUCTORY PROVISIONS

SECTION 1. This act shall be known and may be cited as the North Lake Tahoe-Truckee River Sanitation Agency Act.

CHAPTER 2. DEFINITIONS

SEC. 2. Unless the context otherwise requires, the provisions of this chapter govern the construction of this act.

SEC. 3. The definition of a word applies to any of its variants.

SEC. 4. "Agency" means North Lake Tahoe-Truckee River Sanitation Agency formed pursuant to this act.

SEC. 5. "Public entity" or "entity" means a city or county, any municipal water district, public utility district, sanitary district, sanitation district, county water district, or California water district, organized under the laws of the State of California, or any other public corporation or agency of the state having power to acquire, construct and operate facilities for the collection, treatment and disposal of sewage, industrial waste and/or storm water of such entity and its inhabitants. "Proposing public entity" means the first of the proposed member entities to adopt a resolution pursuant to Section 30.

SEC. 6. "Member entity" means a public entity which is a member of the agency. The initial member entities shall be North Tahoe Public Utility District, Tahoe City Public Utility District, and Truckee Sanitary District, if each such district adopts a resolution pursuant to subdivision (a) of Section 38.

SEC. 7. "Board" means the board of directors of the agency.

SEC. 8. "Affected county" means any county in which any portion of the territory of the agency is situated.

SEC. 9. "President" means the president of the board of directors of the agency.

SEC. 10. "Secretary" means the secretary of the agency.

SEC. 11. "Assessed valuation" of any public entity, member entity, territory or the agency means (as indicated by the context) the assessed valuation of all real property subject to taxation by such entity or by the county in which such territory is located or by the agency, or the assessed valuation of all real property subject to ad valorem assessment by the agency, as shown on the last equalized assessment roll or rolls

of the county or counties in which such property is located, as evidenced by a certificate or certificates of the auditor or auditors of such county or counties.

SEC. 12. "The giving of mailed notice" means mailing a printed copy of the resolution or notice referred to, by first-class mail, postage prepaid, to each person to whom land in the agency, inhabited improvement district, uninhabited improvement district, or territory proposed to be added to any thereof is assessed as shown on the last equalized county assessment roll, at his address as shown upon the roll, and to any person, whether owner in fee or having a lien upon, or legal or equitable interest in, any land within the agency, inhabited improvement district, uninhabited improvement district or territory proposed to be added to either thereof, whose name and address and a designation of the land in which he is interested is on file with the clerk of any affected county (in the case of the agency) or with the secretary (in the case of a proposed inhabited improvement district or uninhabited improvement district).

SEC. 13. "Territory" of or in the agency means only territory within member entities of the agency.

CHAPTER 3. GENERAL PROVISIONS

SEC. 20. The inclusion in, or annexation or addition to, the agency of the territory of any public entity shall not destroy the identity or legal existence and powers of such public entity.

SEC. 21. Proposals for the formation or dissolution of, exclusions of territory from, and annexations to (except for annexations pursuant to Article 1 (commencing with Section 375) of Chapter 1 of Part 8 of this act) the agency shall be subject to the jurisdiction of the local agency formation commission in Placer County pursuant to the provisions of Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5 of the Government Code and Part 4 (commencing with Section 56250) of Division 1 of Title 6 of the Government Code. Proposals for the formation of inhabited or uninhabited improvement districts shall not be subject to such jurisdiction. Annexations pursuant to Article 1 of Chapter 1 of Part 8 of this act shall be subject to such jurisdiction only in each affected county and only to the extent that the annexation to the member entity in question is so subject.

PART 2. FORMATION

CHAPTER 1. TERRITORY; PURPOSES

SEC. 25. The public entities named in Section 6 may form the agency under the provisions of this act consisting of the territory of such public entities.

SEC. 26. The agency may be formed for any purpose related to the collection, treatment and disposal of sewage, industrial waste and/or storm water for which the member entities were formed.

CHAPTER 2. RESOLUTION OF INTENTION

SEC. 30. The governing body of any public entity named in Section 6 may by majority vote of all of its members declare the intention of such public entity (the "proposing public entity") to form the agency with the other two public entities. The resolution shall:

(a) State the name of the agency.

(b) State the name of each public entity proposed to be a member entity of the agency.

(c) State that the initial territory of the agency shall be the combined territory of all public entities which become member entities of the agency, if formed, as said territory exists in each such entity at the time of the adoption of such resolution.

(d) State the purpose or purposes for which the agency is proposed to be formed.

(e) Fix a time and place within the boundaries of the proposing entity when and where a hearing will be held before its governing body as to whether the agency should be formed and whether the proposing public entity should become a member entity. The date of the hearing shall be not less than 40 nor more than 90 days after the adoption of the resolution.

(f) Direct publication of the resolution in a newspaper of general circulation circulated within the proposing public entity pursuant to Section 6061 of the Government Code at least two weeks prior to the date set for said hearing, or if there is no such newspaper, direct the posting of copies of said resolution at three public places within the proposing public entity at least two weeks prior to the date set for said hearing; and direct the giving of mailed notice at least two weeks prior to the date set for said hearing.

SEC. 31. The governing body of the proposing public entity adopting the resolution referred to in Section 30 shall forthwith forward a certified copy of said resolution to the governing body of each public entity named in said resolution as a proposed member entity of the agency; and the governing body of each proposed member entity may adopt an identical resolution (except for time and place of hearing and for provisions relating to publication or posting thereof and to the mailing thereof).

CHAPTER 3. FORMATION HEARING

SEC. 35. At the time and place specified in the resolutions provided for in Sections 30 and 31, the governing body of each public entity shall hold a public hearing on the questions of whether the agency should be formed, and if so, whether the

public entity should be a member entity. At the hearing such governing body shall:

(a) Receive and file in its minutes an affidavit of publication or posting and an affidavit of mailing of the resolution provided for in Section 30 or 31.

(b) Hear and consider all relevant evidence presented on the question of whether the agency should be formed, and if so, whether the public entity should become a member entity.

(c) Receive written protests by the owners of record of real property situated within the public entity against the public entity being a member entity of the agency, if formed. Each protest shall describe the land owned within the public entity by the protestor and shall state the reason for such protest.

SEC. 36. As soon as practicable after completion of the hearings described in Section 35, the governing body of each public entity shall adopt a resolution which shall:

(a) Declare the finding of the governing body as to whether the agency should be formed and, if so, whether the public entity should become a member entity of the agency.

(b) Determine the total assessed valuation of the public entity, and the dollar amount of such assessed valuation owned by persons who filed valid written protests to the inclusion of the public entity in the proposed agency as provided for in Section 35.

(c) Declare that an election shall be held in accordance with the provisions of Section 37 for the purpose of submitting to the voters in the public entity the measure of whether the public entity shall become a member entity of the agency.

(d) If said valid written protests exceed 50 percent of the total assessed valuation of the public entity, declare either that the public entity shall not become a member entity of the agency or that an election shall be held in accordance with the provisions of Section 37.

SEC. 37. The election shall be held not less than 30 days after completion of the hearing described in Section 35, and shall be held in accordance with the provisions of this act for the calling and holding of bond elections so far as possible, and otherwise in accordance with the provisions of the Elections Code. If valid written protests received by the governing body at said hearing exceeded 50 percent of the total assessed valuation of the public entity, then the board may adopt the resolution referred to in Section 38 only if from the returns of such election it appears that at least two-thirds of the votes cast at such election were in favor of and assented to the public entity's becoming a member entity of the agency. If valid written protests received by the governing body did not exceed 50 percent of such total assessed valuation, then the board shall adopt the resolution referred to in Section 38 if from the returns of such election it appears that at least a majority of the votes cast at such election were in favor of and assented to the public entity's becoming a member entity of the agency.

SEC. 38. Upon canvassing the returns of the election held pursuant to Section 37, the governing board of the public entity shall adopt a resolution which shall declare either (a), if the measure was successful at such election, that the agency is formed and that its initial territory is the territory of each public entity named in the resolutions provided for in Sections 30 and 31, provided that each public entity named in said resolutions adopts a resolution also declaring the formation of the agency, or (b) if the measure does not pass at such election, declaring that the public entity shall not become a member entity of the agency and that the agency is not formed.

SEC. 39. Upon adoption of the resolutions required by Section 38, the governing body of each public entity shall cause a certified copy of the resolution adopted by its governing body to be forwarded to the Board of Supervisors of Placer County.

CHAPTER 4. ESTABLISHMENT OF AGENCY

SEC. 45. Within 14 days after receipt of all of the resolutions referred to in Section 38, the Board of Supervisors of Placer County shall determine whether or not each proposed member entity of the agency has adopted the resolution required by subdivision (a) of Section 38 declaring the formation of the agency. If each such public entity has not adopted a resolution declaring the agency formed, such board of supervisors shall by order entered in its minutes find and determine that the agency has not been formed by reason of proceedings theretofore taken pursuant to this act. If each such public entity has adopted a resolution declaring the formation of the agency, such board of supervisors shall by order entered in its minutes declare that the territory of each such public entity as constituted at the time of the adoption of its resolution pursuant to Sections 30 and 31 to be formed as the agency.

SEC. 46. The County Clerk of Placer County shall immediately cause to be recorded in the office of the County Recorder of Placer County and Nevada County, a certificate stating that the agency has been formed.

Such county clerk shall also immediately cause to be filed with the Secretary of State a certificate listing:

(a) The name of the agency.

(b) The affected counties, and a description of the boundaries of the agency, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the agency formed contains all of the information required to be in the last mentioned certificate, the clerk may file a copy of the order with the Secretary of State in lieu of the certificate.

SEC. 47. Upon the receipt of the county clerk's certificate, or a copy of the order declaring the agency formed, the Secre-

tary of State shall, within 10 days, issue his certificate reciting that the agency has been duly formed under this act.

SEC. 48. A copy of the Secretary of State's certificate shall be transmitted to and filed with the county clerk of each affected county.

SEC. 49. From and after the date of filing the county clerk's certificate with the Secretary of State, the agency is formed with all the rights, privileges, and powers set forth in this act, and necessarily incident thereto.

SEC. 50. A certified copy of the county clerk's certificate provided for in Section 46 and a description of the boundaries of the agency shall be filed pursuant to Chapter 8 (commencing with Section 54900) of Part 1, Division 2, Title 5 of the Government Code.

SEC. 51. Any action or proceeding in which the validity of the formation of the agency or any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months from the date of the Secretary of State's certificate of formation; otherwise the formation and legal existence of the agency and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

PART 3. INTERNAL ORGANIZATION

CHAPTER 1. BOARD OF DIRECTORS

SEC. 60. The board shall consist of one representative from each member entity. Each representative shall be designated and appointed by the chief executive officer of the member entity which he represents with the consent and approval by a majority vote of all the members of the governing body of such entity. Each member of the board shall hold office for a term of four years from the first day of September next succeeding the date of his appointment and until his successor has been appointed and qualified, except that the terms of office of one of the initial members appointed by each member entity shall be for two years and the terms of office of the additional members appointed by two of the member entities in accordance with Section 61 shall be for four years from such date. Each member shall be subject to recall by a majority vote of all of the members of the governing body of the public entity of which he is representative.

SEC. 61. If application of the provisions of Section 60 results in a board of less than five representatives, the member entities shall appoint additional representatives, until a total of five is reached, as follows: The member entity having the highest assessed valuation shall appoint an additional representative; the member with the next highest assessed valuation shall appoint an additional representative, and so on until a total of five members is reached. Representatives shall

be appointed pursuant to this paragraph for a term ending on the last day of the next succeeding August, except that such term shall expire on any earlier date required to comply with the provisions of Section 62. Upon expiration of the term or office of anyone appointed pursuant to this section, a new representative shall be appointed only if required to maintain a board of at least five members and in accordance with the provisions of this section as determined by the new assessed valuations at the time of such appointment.

SEC. 62. If one new member entity is annexed to the agency, the last additional representative appointed pursuant to Section 61 shall be automatically removed; and if a second new member is annexed to the agency, the remaining additional representative so appointed shall be automatically removed.

SEC. 63. Any member of the board shall have the power to table any motion until the next succeeding meeting of the board. Such power may be exercised by the request of such member without a second, but such power shall expire as to any motion after one exercise.

SEC. 64. Each member entity shall have one vote for each five hundred thousand dollars ($500,000) of assessed valuation plus any remaining fractional part thereof in excess of two hundred fifty thousand dollars ($250,000), provided that no member entity shall have votes exceeding one vote less than one-half of the total votes of all member entities. When the votes of a member entity would equal or exceed one-half of the total votes of all member entities, the votes of such member entity shall be automatically reduced to one vote less than the combined votes of all other member entities.

SEC. 65. For the purpose of determining the number of votes of any member entity, the assessed valuation considered shall be only that of property taxable for agency purposes; provided, however, that there shall also be included in such assessed valuation the assessed valuation of property which, if it were included within the boundaries of the member entity, would be taxable for agency purposes, but which is outside the boundaries of the member entity but served by it. In the case of a member entity which serves territory in the State of Nevada, such assessed valuation shall be determined from a certificate of that official of such state or of a county therein who calculates such assessed valuation for the purposes of such state, which certificate shall include at least the following information:

(a) The assessed valuation as determined by such official;

(b) The percentage of full cash value which such official used in determining such assessed valuation.

The County Auditor of Placer County shall determine from such certificate what the assessed valuation of such territory would be if it were assessed in accordance with the assessment practices of such county, and such determination shall be con-

clusive for the purpose of determinating the number of votes to which such member entity is entitled.

SEC. 66. Members of the board appointed from the same member entity need not vote as a unit, but the total votes of such member entity shall be equally divided between the representatives from such member entity in attendance at the meeting at which such votes are cast; provided, however, that in the event such division results in a fractional vote for any representatives, the representative first appointed from such member entity shall cast the vote comprising all such fractions.

SEC. 67. The clerk or secretary of the governing body of each member entity shall advise the clerk of the Board of Supervisors of Placer County in writing of the name of each person appointed by such governing body to the first board Said clerk of the board of supervisors shall thereupon convene the first meeting of the board in the meeting room of the Board of Supervisors of Placer County. At such meeting the board shall elect from its membership by a majority vote of all of the votes of the board a president and a vice president, shall fix the time and place or places for regular meetings of the board and may carry on any other business of the agency.

SEC. 68. At the first regular meeting of the board next succeeding September 1 of each odd-numbered year, the board shall elect from its membership a president and a vice president.

SEC. 69. A majority of all of the members of the board having a majority of the total votes of all member entities shall constitute a quorum for the transaction of business.

SEC. 70. The board shall act only by ordinance, resolution, or motion.

SEC. 71. On all ordinances the roll shall be called and ayes and noes recorded in the journal of the proceedings of the board.

SEC. 72. Resolutions and motions may be adopted by voice vote, but on demand of any member of the board the roll shall be called.

SEC. 73. Votes of the members of the board shall not be cast or exercised by proxy.

SEC. 74. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of North Lake Tahoe-Truckee River Sanitation Agency as follows:"

SEC. 75. Any executive, administrative, and ministerial powers may be delegated by the board to any of the offices created by this part or by the board. Any such delegation may be withdrawn by the board.

SEC. 76. The board may fix the time and place or places at which its regular meetings will be held and shall provide for the calling and holding of special meetings.

SEC. 77. The board may fix the location of the principal place of business of the agency and the location of all offices and departments maintained under this act.

SEC. 78. The board may prescribe, by ordinance, a system of business administration.

SEC. 79. The board may create any necessary offices and establish and reestablish the powers, duties, and compensation of all officers and employees.

SEC. 80. The board may require and fix the amount of all official bonds of all officers and employees necessary for the protection of the funds and property of the agency.

SEC. 81. The board may prescribe, by ordinance, a system of civil service.

SEC. 82. The board may, by ordinance, delegate to any officer or officers of the agency the power to employ clerical, legal, and engineering assistants and labor.

SEC. 83. The board may, by ordinance, delegate to any officer or officers of the agency, under such conditions and restrictions as shall be fixed by the board, the power to bind the agency by contract.

SEC. 84. The board may prescribe a method of auditing and allowing or rejecting claims and demands.

SEC. 85. The board shall designate a depository or depositories to have the custody of the funds of the agency. All funds of the agency deposited with any depository shall be secured as required by law. Each such depository shall pay the warrants drawn by the treasurer for demands against the agency under such rules as the board may prescribe.

SEC. 86. The agency may issue bonds, borrow money, and incur indebtedness as authorized by law or this act, and may refund such bonds, loans, or indebtedness, by the issuance of refunding obligations following the same procedure if authorized by law or this act; and may retire any indebtedness or lien that validly exists against the agency or its property.

CHAPTER 2. OFFICERS AND EMPLOYEES

SEC. 90. The board may appoint, by a majority vote of all of the votes of the board, a secretary, treasurer, attorney, general manager, and auditor, and shall define their duties and fix their compensation.

Each of said appointees shall serve at the pleasure of the board.

SEC. 91. The board may employ such additional assistants and employees as it deems necessary to efficiently maintain and operate the agency.

SEC. 92. The board may consolidate the offices of secretary and treasurer.

SEC. 93. The president, vice president and secretary, in addition to the duties imposed on them by law, shall perform such duties as may be imposed on them by the board.

SEC. 94. The treasurer, or such other person or persons as may be authorized by the board, shall draw warrants to

pay demands when such demands have been audited and approved in the manner prescribed by the board.

SEC. 95. Subject to the approval of the board, the general manager shall have full charge and control of the maintenance, operation, and construction of the sewage, waste and storm water systems of the agency, with full power and authority to employ and discharge all employees and assistants, other than those referred to in Section 90, at pleasure, prescribe their duties, and fix their compensation.

SEC. 96. The general manager shall perform such duties as may be imposed on him by the board. He shall report to the board in accordance with such rules and regulations as it may adopt.

SEC. 97. The attorney shall be the legal adviser of the agency and shall perform such other duties as may be prescribed by the board.

SEC. 98. The general manager, secretary, and treasurer, together with such other employees or assistants of the agency as are designated by the board, shall give such bonds to the agency conditioned on the faithful performance of their duties as the board from time to time may provide. The premiums on the bonds shall be paid by the agency.

SEC. 99. Members of the board of directors may receive reimbursement from the agency for travel expenses expended on behalf of the agency.

SEC. 100. No employee of any of the member entities, whether or not a director of the agency, may receive compensation as an officer, employee or director of the agency.

CHAPTER 3. PROHIBITED INTERESTS IN CONTRACTS

SEC. 105. Except as provided in Section 107, no director, officer or employee of the agency shall in any manner be interested, directly or indirectly, in any contract or instrument to which the agency is a party or in the benefits to be derived therefrom.

SEC. 106. For any violation of Section 105, a director or any officer or employee of the agency is guilty of a misdemeanor.

SEC. 107. The holding of an interest in a contract or instrument to which the agency is a party by a director, officer, or employee, or his derivation of benefit therefrom, shall not invalidate the contract or instrument, or constitute a violation of any law, in any of the following cases:

(a) If the director or other officer or employee owns or controls, directly or indirectly, not more than five percent of the outstanding stock or securities of any corporation which is a party to such contract or instrument.

(b) If the contract or instrument is entered into pursuant to the provisions of any ordinance or regulation of the agency of uniform application, and such ordinance or regulation was effective prior to the execution of such contract or instrument.

(c) If the contract is with a member entity and the director or other officer or employee of the agency is also a director, officer or employee of such member entity.

PART 4. POWERS AND PURPOSES

CHAPTER 1. POWERS GENERALLY

SEC. 120. The agency may exercise the powers which are expressly granted by this act or are necessarily implied.

SEC. 121. The agency shall:

(a) Have perpetual succession.

(b) Adopt a seal, and may alter it at pleasure.

SEC. 122. The agency may make contracts, employ labor, and do all acts necessary for the full exercise of its powers.

SEC. 123. The agency may provide, by ordinance, for the pensioning of officers or employees, for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them.

SEC. 124. The agency may, in the ordinance providing for the pensioning of officers and employees, create a special fund for the purpose of paying such pensions and provide for the accumulation of contributions to this fund from revenues of the agency, wages of officers or employees, voluntary contributions, gifts, donations, or any source of revenue not inconsistent with the general powers of the board.

SEC. 125. The agency may contract with any insurance corporation or any other insurance carrier, including the State Employees Retirement System, for the maintenance of a service covering the pensioning of the agency officers or employees.

SEC. 126. The agency may disseminate information concerning the right, properties, and activities of the agency.

CHAPTER 2. SEWAGE, WASTE AND STORM WATER DISPOSAL

SEC. 130. The agency may acquire, construct and operate, either inside or outside its boundaries, or both, facilities for the collection, treatment and disposal of sewage, industrial waste and/or storm water delivered to it by any one or more of its member entities. It may prescribe, revise, and collect rates and other charges for the services and facilities furnished by it pursuant to this chapter.

SEC. 131. Such rates and other charges shall be established and allocated to the benefited member entity or entities, or improvement districts therein, as follows:

(a) In the case of such rates and charges for maintenance and operation of the facilities of the agency, such rates and charges shall be established and allocated on the basis of the (i) ratio which the actual volume of sewage, industrial waste and storm water delivered to the agency by the member entity or improvement district to be charged such rates and charges

bears to the total volume of sewage, industrial waste and storm water delivered to the agency by all member entities and improvement districts, and (ii) the point of intake of such sewage, industrial waste and storm water in relation to the location of the treatment facilities of the agency.

(b) In the case of rates and charges for acquisition or construction of capital improvements of the agency, such rates and charges shall be based on the percentage of the capacity of such capital improvements which has been reserved for the member entity or improvement district to be charged. Such capacity shall be determined by allocation of the board, subject to the approval of the board of directors of each member entity.

SEC. 132. Prior to June 30 in the year preceding the first fiscal year in which any of the facilities of the agency are to be maintained or operated, the board shall estimate the costs of maintenance and operation of such facility or facilities during such fiscal year and for the first two months of the next succeeding fiscal year and shall, as nearly as practicable, allocate such estimated costs in accordance with subdivision (a) of Section 131. Prior to June 30 in each following year, the board shall estimate such costs for the 12 months beginning on September 1 following such June 30, and shall allocate such costs in accordance with subdivision (a) with Section 131, basing such allocation on the actual use of such facility or facilities by each member entity in the preceding year. The board shall increase or decrease the allocation to each member entity in the amount necessary to correct any overpayment or underpayment by any member entity because the allocation of estimated costs did not conform to the actual use by each member entity during the preceding fiscal year.

SEC. 133. On or before June 30 in each year, the board shall deliver to the board of directors of each member entity a statement of the allocation to such member entity of estimated costs of maintenance and operation of the facilities of the agency for the period specified in Section 132. Each member entity shall pay to the agency one-tenth of the amount of such allocation on the first business day of each month of the following fiscal year, from August through May, except that to the extent that a member entity raises the funds for such payment by taxation, such payment shall be in two installments on or before January 1 and May 1 of such fiscal year.

SEC. 134. The board of directors of each member entity may raise the funds necessary to make the payments required by Section 133, (a) by taxation as permitted by the act pursuant to which such member entity was formed, (b) by charging the users of the facilities of such member entity an amount sufficient to raise such funds, (c) by a combination of both, or (d) in any other method by which such member entity may legally raise such funds; provided, however, that if, to raise such funds by taxation along with all other taxes of such member entity, any member entity must (i) exceed any

then applicable limit on the tax rate of such member entity, or (ii) levy a total tax which must by law be levied by ordinance subject to referendum, then such member entity shall raise a sufficient portion of such funds by method other than taxation so that the tax levied by such member does not come within clause (i) or (ii) of this section.

SEC. 135. Improvement districts may be formed within the agency as herein provided for the equitable distribution of costs of maintenance and operation of the facilities of the agency or of acquisition and construction of capital improvements.

SEC. 136. Facilities of the agency shall not be made directly available to the inhabitants of a member entity without the agreement of the board of directors of such member entity.

SEC. 137. Any member entity may contract with the agency for use by the agency of any capital improvements theretofore constructed by the member entity (hereinafter called "entity improvements") and required by the agency for any agency purpose. Each such contract may provide that the agency shall pay to the member entity owning the entity improvements, from rates and charges charged by the agency pursuant to subdivision (b) of Section 131, an annual use charge on or before June 30 in each year of the use of the entity improvements by the agency. Such charge may be equal to the principal of and interest on bonds of the member entity issued to pay the cost of such entity improvements that will become due and payable in the 12 months beginning on the next succeeding July 1, and may include reimbursement to the member entity for the cost of such entity improvements paid from funds other than the proceeds of the sale of bonds, or a combination of both, and may take into consideration any other relevant factor.

CHAPTER 3. OTHER FUNCTIONS

SEC. 140. The agency may construct, maintain, and improve public recreational facilities appurtenant to any facilities of the agency for the purpose of collection, treatment and disposal of sewage, waste and/or storm water delivered to the agency by its member entities. It may, by ordinance, provide regulations binding upon all persons to govern the use of such recreational facilities, including regulations imposing reasonable charges for the use thereof. Violation of any such regulation may be made a misdemeanor punishable by imprisonment in the county jail for not more than 30 days, or by fine not exceeding three hundred dollars ($300), or by both such imprisonment and fine.

CHAPTER 4. PROPERTY

SEC. 145. The agency may, within or without the agency and within or without the State of California:

(a) Take real and personal property of every kind by grant, purchase, gift, devise, or lease.

(b) Hold, use, enjoy, lease, or dispose of real and personal property of every kind.

SEC. 146. The agency may exercise the right of eminent domain and, in the manner provided by law for the condemnation of private property for public use, may take any property, located either inside or outside its boundaries, necessary to carry out any powers of the agency; provided, however, that the agency shall not exercise such right to take any property located outside its boundaries unless it first obtains the consent thereto of the board of supervisors of the county in which such property is located. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a general law city; provided, the agency, in exercising such right, shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railway, mains, pipes, conduits, wires, cables, or poles of any public utility which are required to be removed to a new location.

SEC. 147. The agency may construct works along and across any stream of water, watercourse, street, avenue, highway, canal, ditch, flume or railway. Such works shall be constructed in such manner as to afford security for life and property, and the agency shall restore each crossing and intersection to its former state as near as may be.

SEC. 148. The owner of any right-of-way that is intersected or crossed by agency works shall join with the agency in designing the intersection or crossing and grant the rights therefor, subject to the provisions of Section 146.

SEC. 149. The agency may locate, construct, and maintain agency works along and across any street or public highway and on any lands which are now or hereafter owned by the state; and the agency shall have all of the rights, powers and privileges appertaining thereto of a general law city.

SEC. 150. Any use by the agency of a public highway now or hereafter constituted a state highway, shall be subject to the provisions of Chapter 3 (commencing with Section 660) of Division 1 of the Streets and Highways Code:

CHAPTER 5. CONTRACTS

SEC. 155. As used in this chapter:

(a) "Public entity" means and includes the United States, the state and any county, city, public corporation, or public district of the state, and any department, entity agency or authority of any thereof.

(b) "Private corporation" means and includes any private corporation organized under the laws of the United States or of any state.

SEC. 156. The agency may join with one or more public entities, private corporations, or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose may contract with any such other public entity, private corporation or person to finance acquisitions, construction and operations.

SEC. 157. Any contract with any other public entity, private corporation or person may provide for contributions to be made by each party thereto, for the division and apportionment of the benefits, services and products thereof. Any such contract may also provide that the agency will effect any acquisition or carry on any operations, and may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof.

SEC. 158. The agency may prescribe methods for construction of works and for the letting of contracts for any of the following purposes:

(a) The construction of works, structures or equipment;

(b) The performance or furnishing of labor, materials, or supplies necessary or convenient for carrying out any of the purposes of this act; or

(c) The acquisition or disposal of any real or personal property.

SEC. 159. When any agency expenditure exceeds three thousand dollars ($3,000), it shall be contracted for and let to the lowest responsible bidder after notice.

SEC. 160. The board may establish the manner of calling for bids and letting contracts, and all contracts shall be entered into upon such terms and in such manner as the board may authorize.

SEC. 161. If no bids are received upon any call for bids, the board may let the contract without further complying with Section 159.

CHAPTER 6. CONTROVERSIES

SEC. 162. The agency may sue and be sued, except as otherwise provided in this division or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

SEC. 163. An action to determine the validity of any contract authorized by Chapter 5 (commencing with Section 155) of this part and any bonds, notes, or other evidences of indebtedness of an agency shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

PART 5. FINANCIAL PROVISIONS

CHAPTER 1. PROMISSORY NOTES

SEC. 180. The agency may, by resolution adopted by a vote of two-thirds of the total votes of all member entities,

issue negotiable promissory notes pursuant to this section to acquire funds for any agency purpose or purposes. Any issue of such promissory notes shall bear interest at a rate not exceeding 7 percent per year and shall mature over a period not exceeding five years from the date thereof. The aggregate principal amount of such notes outstanding at any one time shall not exceed the lesser of either one million dollars ($1,000,000) or 1 percent of the assessed valuation of the agency or, if the assessed valuation is not obtainable, 1 percent of the estimated assessed valuation of the agency.

SEC. 181. All notes issued pursuant to this chapter shall be general obligations of the agency and the principal thereof and interest thereon shall be payable from taxes levied and collected as provided in Part 7 (commencing with Section 350) of this act.

SEC. 182. The board shall, by resolution, provide for the form, terms and execution of the notes, and shall provide for the sale of the notes for not less than their par value and accrued interest thereon upon such notice inviting sealed bids in such manner as the board may prescribe, which shall be at least one publication of notice of such sale at least five days before such sale.

PART 6. BONDS

CHAPTER 1. INITIATION OF PROCEEDINGS FOR ISSUANCE OF BONDS OF AGENCY AS A WHOLE

SEC. 190. Whenever an allocation of capacity of capital improvements has been approved by the boards of directors of all member entities pursuant to subdivision (b) of Section 131, and whenever the board deems it necessary for the agency to incur a bonded debt for the acquisition, construction, completion, or repair of any or all capital improvements, works, or property mentioned in this act that will benefit the agency as a whole, the board shall, by resolution, so declare and call an election to be held in the agency for the purpose of submitting to the voters thereof the measure of incurring debt by the issuance of bonds of the agency.

SEC. 191. The resolution calling the bond election shall state all of the following:

(a) A general description of the capital improvements for the acquisition, construction, completion or repair of which the proposed bonded debt is to be incurred; the total capacity of the capital improvements and the percentage thereof reserved for each member entity; and that the capital improvements are for the benefit of the agency as a whole and for the benefit of the respective member entities in the same respective proportions as the percentages of the capacity of the capital improvements reserved for them, respectively.

(b) The amount of the principal of the debt to be incurred and the estimated cost of the capital improvements to be acquired, constructed, completed or repaired, which may include any or all of the following:

(i) Legal or other fees incidental to or connected with the authorization, issuance and sale of the bonds.

(ii) The costs of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of the bonds.

(iii) Interest on the bonds coming due during construction of the capital improvements and for a period not to exceed two years after completion of construction.

If such statement is made, the proceeds of the sale of the bonds may be used to pay such of the foregoing as are stated in the resolution.

(c) The maximum term the bonds or any series thereof proposed to be issued shall run before maturity, which shall not exceed 40 years from the date of the bonds or of such series thereof.

(d) The maximum rate of interest to be paid, which shall not exceed 6½ percent per year, payable semiannually, except that interest for the first year after the date of the bonds may be made payable at or before the end of that year.

(e) The measure to be submitted to the voters.

(f) The date upon which an election shall be held for the purpose of authorizing the bonded debt to be incurred.

(g) The designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector, and two clerks in each precinct.

(h) That all or any part of the bonds may be issued if at least two-thirds of the votes cast on the measure in the agency are in favor thereof and if at least a majority of the votes cast on the measure in each member entity are in favor thereof.

(i) That ad valorem assessments for the payment of the bonds and the interest thereon shall be assessed without limitation as to rate or amount upon all real property in each member entity subject to assessment for agency purposes; provided that the total amount of such assessments so assessed each year shall be allocated among the respective member entities (naming them) in the same proportion in which they are respectively benefited by the capital improvements described in paragraph (a) of this section reserved for such member entities, which proportions shall be the percentages of the capacity of the capital improvements reserved for them, respectively.

(j) The total capacity of said capital improvements and percentage of such capacity reserved for each member entity (naming it).

CHAPTER 2. FORMATION OF INHABITED IMPROVEMENT DISTRICTS FOR ISSUANCE OF BONDS

Article 1. Initiation of Proceedings

SEC. 200. Whenever the board deems it necessary to incur a bonded debt for the acquisition, construction, completion, or repair of any or all capital improvements, works, or property mentioned in this act and to provide for such bonded debt to be payable from assessments assessed upon an inhabited portion of the territory of the agency, and whenever an allocation of capacity of such capital improvements has been approved by the board and by the boards of directors of all member entities any territory of which is to be benefited by such capital improvements, the board shall, by resolution, declare its intention to form an inhabited improvement district in such portion of the agency and to incur such bonded debt.

SEC. 201. The resolution of intention shall state that the board intends to form an improvement district of that portion of the territory of the agency which in the opinion of the board will be benefited, and to call an election in such proposed improvement district, on a date to be fixed, for the purpose of submitting to the voters thereof the measure of incurring debt by the issuance of bonds of the agency for such improvement district.

SEC. 202. The resolution of intention shall also state:

(a) A general description of the capital improvements for the acquisition, construction, completion or repair of which the proposed bonded debt is to be incurred and that said capital improvements are for the benefit of the improvement district. If the improvement district comprises territories in more than one member entity the resolution shall also state that the capital improvements are for the benefit of the territory in the respective member entities in the same respective proportions as the percentages of the capacity of the capital improvements reserved for such territories, respectively.

(b) The amount of the principal of the debt to be incurred and the estimated cost of the capital improvements to be acquired, constructed, completed or repaired, which may include any or all of the following:

(i) Legal or other fees incidental to or connected with the authorization, issuance and sale of the bonds.

(ii) The costs of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of the bonds.

(iii) Interest on the bonds coming due during construction of the capital improvements and for a period not to exceed two years after completion of construction.

If such statement is made, the proceeds of the sale of the bonds may be used to pay such of the foregoing as are stated in the resolution.

(c) That ad valorem assessments for the payment of the bonds and the interest thereon shall be assessed without limitation as to rate or amount exclusively upon all real property in the improvement district subject to assessment for agency purposes. If the improvement district comprises territories in more than one member entity the resolution of intention shall also state that the total amount of such assessments so assessed each year shall be allocated among the respective member entities (naming them) in the same proportions in which the territories of such member entities included in the improvement district are respectively benefited by the capital improvements described in subdivision (a) of this section reserved for such territories, which proportions shall be the percentages of the capacity of the capital improvements reserved for them, respectively.

(d) If the improvement district comprises territory in more than one member entity, the total capacity of said capital improvements and the percentages of such capacity reserved for the territory in each member entity (naming it).

SEC. 203. The resolution of intention shall also state that a general description of the proposed capital improvements, together with a map showing the exterior boundaries of the proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvements is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed improvement district.

SEC. 204. The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the questions of the formation and extent of the proposed improvement district, the proposed improvements, and the amount of bonded debt to be incurred.

(b) That at the time and place specified in the resolution any person interested, including any person who received mailed notice and any owner of record of real property situated within the agency or the proposed improvement district, will be heard.

SEC. 205. Notice of the hearing shall be given (a) by publishing a copy of the resolution of intention pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper of general circulation circulated in the agency, if there is such a newspaper; (b) by posting a copy of the resolution of intention in six public places within the proposed improvement district (at least two of which shall be in territory in each member entity any portion of which is included in the proposed improvement district) at least two weeks before the time fixed for the hearing; and (c) by the giving of mailed notice at least two weeks before the time fixed for the hearing.

Article 2. Hearing and Modifications

SEC. 210. At the time and place fixed in the resolution of intention, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person who received mailed notice and any owner of record of real property situated within the agency or the proposed improvement district, may appear and present any matters material to the statements in the resolution of intention.

SEC. 211. The board may modify the purpose for which the proposed bonded debt is to be incurred or the amount of bonded debt to be incurred, or both. The board may also modify the boundaries of the proposed improvement district, but not so as to include any territory which will not, in its judgment, be benefited by the proposed improvement.

SEC. 212. The purpose or amount of bonded debt or the boundaries of the proposed improvement district shall not be modified by the board except after notice of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper of general circulation circulated in the agency, if there is such a newspaper, and by posting in six public places within the proposed improvement district. The boundaries of the proposed improvement district shall not be enlarged by the board except after the giving of mailed notice to all persons in the territory proposed to be added to the proposed improvement district. The notice shall state the modified purpose and bonded debt proposed and that the exterior boundaries as proposed to be modified are set forth on a map on file with the secretary which map shall govern for all details as to the extent of the proposed improvement district, and shall specify the time and place for hearing on such modifications which time shall be at least 10 days after posting and after publication and mailing (if required), of the notice

SEC. 213. At the time and place fixed in the notice of intention, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing At the hearing any person interested, including any owner of record of real property situated within the agency or the proposed improvement district as proposed to be modified, may appear and present any matters material to the statements in the notice of intention.

Article 3. Formation

SEC. 220. At the conclusion of the hearing, the board shall by resolution determine whether it is deemed necessary to form the proposed improvement district and to incur the bonded debt. If so, the resolution shall also state:

(a) The purpose for which the proposed bonded debt is to be incurred.

(b) The amount of the proposed bonded debt.

(c) The provisions for assessment as stated in the resolution of intention.

(d) That the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary, which map shall govern for all details as to the extent of the improvement district.

(e) That such portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District No. ___ of North Lake Tahoe-Truckee River Sanitation Agency."

SEC. 221. The determinations made in the resolution of formation shall be final and conclusive.

SEC. 222. A certified copy of the resolution and map and a description of the boundaries of the improvement district shall be recorded in the office of the county recorder of each affected county and shall also be filed pursuant to Chapter 8 (commencing with Section 54900) of Part 1, Division 2, Title 5 of the Government Code.

SEC. 223. After the formation of the improvement district pursuant to this chapter, all proceedings for the purpose of a bond election shall be limited, and shall apply only, to the improvement district, and assessments for the payment of the bonds and the interest thereon and for claims against and charges, expenditures and expenses of the agency in respect of the improvement district shall be assessed exclusively upon the real property in the improvement district subject to assessment for agency purposes.

SEC. 224. Any action or proceeding in which the validity of the formation of an improvement district or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months from the date of the resolution forming such district; otherwise the formation and legal existence of the improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

Article 4. Calling of Bond Election

SEC. 230. After the board has made its determination of the matters required to be determined by the resolution of formation, and if the board deems it necessary to incur the bonded debt, the board shall by a further resolution call a special election in the improvement district for the purpose of submitting to the voters thereof the measure of incurring a debt by the issuance of bonds of the district for the improvement district.

SEC. 231. The resolution calling the bond election shall contain all of the statements required by subdivisions (b) to (h), inclusive, of Section 191 and by subdivisions (a) and (c) of Section 202 and, in addition, shall state:

(a) That the board deems it necessary to incur the bonded debt.

(b) That the territory to be benefited by the bonded debt is the improvement district as described in the resolution of formation of the improvement district, and that a map showing the exterior boundaries of the improvement district is on file with the secretary, which map shall govern for all details as to the extent of the improvement district.

Article 5. Advance of Funds

SEC. 240. The board may advance general funds of the agency to accomplish the purposes of an improvement district formed pursuant to this chapter.

SEC. 241. The board may repay the agency for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the improvement district.

CHAPTER 3. FORMATION OF UNINHABITED IMPROVEMENT DISTRICT FOR ISSUANCE OF BONDS

Article 1. Initiation of Proceedings

SEC. 250. Whenever the board deems it necessary to incur a bonded debt for the acquisition, construction, completion, or repair of any or all capital improvements, works, or property mentioned in this act and to provide for such bonded debt to be payable from assessments assessed upon an uninhabited portion of the territory of the agency, and whenever an allocation of capacity of such capital improvements has been approved by the board and by the boards of directors of all member entities any territory of which is to be benefited by such capital improvements, the board shall, by resolution, declare its intention to form an uninhabited improvement district in such portion of the agency and to incur such bonded debt.

SEC. 251. For the purposes of this chapter the portion of an agency formed into an uninhabited improvement district shall be deemed uninhabited if less than 12 registered voters reside therein at the time of the formation thereof.

SEC. 252. The resolution of intention shall state that the board intends to form an improvement district of an uninhabited portion of the agency which in the opinion of the board will be benefited, and to incur a debt by the issuance of bonds of the district for such uninhabited improvement district.

SEC. 253. The resolution of intention shall also state:

(a) A general description of the capital improvements for the acquisition, construction, completion or repair of which the proposed bonded debt is to be incurred and that said capital improvements are for the benefit of the improvement district. If the improvement district comprises territories in more than one member entity the resolution shall also state that the capital improvements are for the benefit of the terri-

tory in the respective member entities in the same respective proportions as the percentages of the capacity of the capital improvements reserved for such territories, respectively.

(b) The amount of the principal of the debt to be incurred and the estimated cost of the capital improvements to be acquired, constructed, completed or repaired, which may include any or all of the following:

(i) Legal or other fees incidental to or connected with the authorization, issuance and sale of the bonds.

(ii) The costs of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of the bonds.

(iii) Interest on the bonds coming due during construction of the capital improvements and for a period not to exceed two years after completion of construction.

If such statement is made, the proceeds of the sale of the bonds may be used to pay such of the foregoing as are stated in the resolution.

(c) That ad valorem assessments for the payment of the bonds and the interest thereon shall be assessed without limitation as to rate or amount exclusively upon all real property in the improvement district subject to assessment for agency purposes. If the improvement district comprises territories in more than one member entity the resolution of intention shall also state that the total amount of such assessments so assessed each year shall be allocated among the respective member entities (naming them) in the same proportions in which the territories of such member entities included in the improvement district are respectively benefited by the capital improvements described in subdivision (a) of this section reserved for such territories, which proportions shall be the percentages of the capacity of the capital improvements reserved for them, respectively.

(d) If the improvement district comprises territory in more than one member entity, the total capacity of said capital improvements and the percentage of such capacity reserved for the territory in each member entity (naming it).

SEC. 254. The resolution of intention shall also state that a general description of the proposed capital improvements, together with a map showing the exterior boundaries of the proposed uninhabited improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed uninhabited improvement district.

SEC. 255. The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the question of the formation and extent of the proposed uninhabited improvement district, the proposed improvements, and the amount of bonded debt to be incurred.

(b) That at the time and place specified in the resolution any person interested will be heard, and that any owner of record of real property situated within the proposed uninhabited improvement district may file with the secretary at any time prior to the time set for the hearing thereon written protest to the formation of the proposed uninhabited improvement district.

SEC. 256. Notice of the hearing shall be given (a) by publishing a copy of the resolution of intention pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper of general circulation circulated in the agency, if there is such a newspaper; (b) by posting a copy of the resolution of intention in three public places within the proposed uninhabited improvement district (at least one of which shall be in territory of each member entity any portion of which is included in the proposed uninhabited improvement district) for at least two weeks before the time fixed for the hearing; and (c) by the giving of mailed notice at least two weeks before the time fixed for the hearing.

Article 2. Hearing and Formation

SEC. 265. At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested including any person who received mailed notice and any owner of record of real property situated within the proposed uninhabited improvement district may appear and present any matters material to the statements in the resolution of intention. Also at the hearing the board shall hear and pass upon all written protests filed by the owners of record of real property situated within the proposed uninhabited improvement district.

SEC. 266. If written protests are filed by the owners of record of one-half of the assessed valuation of the real property situated within the proposed uninhabited improvement district, as shown by the last equalized assessment roll of the affected county or counties further proceedings shall not be taken. If such protests are not made the board shall by resolution determine whether it is necessary to form the proposed uninhabited improvement district and to incur the bonded debt and if so, the resolution shall also state:

(a) The purpose for which the proposed bonded debt is to be incurred.

(b) The amount of the proposed bonded debt.

(c) The provisions for assessment as stated in the resolution of intention.

(d) That the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary, which map shall govern for all details as to the extent of the uninhabited improvement district.

(e) That such portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District No. U--- of North Lake Tahoe-Truckee River Sanitation Agency."

SEC. 267. The determinations made in the resolution of formation shall be final and conclusive.

SEC. 268. After the formation of the uninhabited improvement district pursuant to this chapter the board may, by resolution, at such time or times as it deems proper, issue bonds of the agency, pursuant to Chapter 5 (commencing with Section 310) of this part, for the whole or any part of the amount of the bonded debt authorized by the resolution of formation. All assessments assessed for the payment of the bonds and the interest thereon and for claims against and charges, expenditures and expenses of the agency in respect of the uninhabited improvement district shall be assessed as provided in the proceedings for the formation of the uninhabited improvement district.

SEC. 269. Any action or proceeding in which the validity of the formation of an uninhabited improvement district or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months from the date of the resolution forming such district; otherwise the formation and legal existence of the uninhabited improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

Article 3. Advance of Funds

SEC. 280. The board may advance general funds of the agency to accomplish the purposes of an uninhabited improvement district formed pursuant to this chapter.

SEC. 281. The board may repay the agency for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the uninhabited improvement district.

CHAPTER 4. BOND ELECTIONS IN THE AGENCY OR INHABITED IMPROVEMENT DISTRICTS

SEC. 290. The board shall provide for holding the bond election on the day fixed in the resolution calling the bond election and in accordance with the provisions of the Elections Code, so far as they shall be applicable, except as otherwise provided in this act.

SEC. 291. If the bond election is to be held in the agency, notice of the holding of such election shall be given by publishing, pursuant to Section 6066 of the Government Code, the resolution calling the bond election in at least one newspaper of general circulation printed and published in the agency. The last publication shall be made not less than two weeks prior to the date of the election. If there is no news-

paper of general circulation published in the agency, then the resolution shall be posted in three public places in the agency not less than two weeks prior to the date of the election. The secretary of the agency shall mail sample ballots and polling place cards in the forms and in the time and manner provided in the Elections Code for general municipal elections. No other notice of the election need be given.

SEC. 292. If the bond election is to be held in an inhabited improvement district, notice of the holding of such election shall be given by publishing, pursuant to Section 6066 of the Government Code, the resolution calling the bond election in at least one newspaper of general circulation printed and published in the agency, if there is such a newspaper. Such resolution shall also be posted in three public places in the improvement district (at least one of which shall be in territory in each member entity any portion of which is included in the improvement district) not less than two weeks prior to the date of the proposed election. The secretary of the agency shall mail sample ballots and polling place cards in the forms and in the time and manner provided in the Elections Code for general municipal elections. No other notice of the election need be given.

SEC. 293. The returns of the bond election shall be made, the votes canvassed and the results thereof ascertained and declared by the board not more than seven days after the election, in accordance with the provisions of the Elections Code, so far as they may be applicable, except as otherwise provided in this act.

SEC. 295. The secretary, as soon as the results of the bond election are declared, shall enter in the records of the board a statement of such results.

SEC. 296. No irregularities or informalities in conducting the bond election shall invalidate it, if the election has otherwise been fairly conducted.

CHAPTER 5. ISSUANCE AND SALE OF BONDS

Article 1. Issuance and Terms

SEC. 310. If from the bond election returns it appears that at least two-thirds of the votes cast in the agency in such election and at least a majority of the votes cast in each member entity in such election were in favor of and assented to the incurring of the bonded debt, the board may, by resolution, at such time or times as it deems proper, provide for the issuance of all or any part of the bonds of the agency so authorized, until the full amount of the authorized bonded debt has been issued.

SEC. 311. The full amount of the authorized bonds may be divided into two or more series and different dates fixed for the bonds of each series. The maximum term which the

bonds or any series thereof shall run before maturity shall not exceed 40 years from the date of the bonds or of such series thereof.

SEC. 312. The board shall, by resolution, prescribe the form of the bonds and of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal of the bonds or any series thereof may be deferred for a period of not more than 10 years from the date of such bonds or series of bonds.

SEC. 313. The bonds shall bear interest at a rate or rates not to exceed 6½ percent per year, payable semiannually, except that interest for the first year may be payable at or before the end of that year.

SEC. 314. The board may provide for the call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be 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.

SEC. 315. The denomination of the bonds shall be stated in the resolution providing for their issuance.

SEC. 316. The principal and interest on the bonds shall be payable in lawful money of the United States at the office of the treasurer of the agency or such other place or places as may be designated therein, or at any such place or places at the option of the holder of the bond.

SEC. 317. The bonds shall be dated, numbered consecutively, signed by the president and the treasurer of the agency and countersigned by the secretary with the official seal of the agency attached. The interest coupons attached to the bonds shall be signed by the treasurer of the agency. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of the signatures or countersignatures on each of the bonds shall be manually affixed. Said seal may be printed, engraved, stamped, or otherwise placed in facsimile.

SEC. 318. If the bond election proceedings have been limited to and have applied only to an improvement district, the bonds are bonds of the agency, shall be issued in the name of the agency, shall be designated "Bonds of North Lake Tahoe-Truckee River Sanitation Agency for Improvement District No. ___" and shall state that ad valorem assessments for the payment of the principal thereof and interest thereon will be assessed exclusively upon the real property in the improvement district subject to assessment for agency purposes to the extent and in the manner provided in the proceedings for the formation of the improvement district.

SEC. 319. Any bonds issued by the agency are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the state.

SEC. 320. The board may sell the bonds of any authorized issue, or any part thereof, at not less than the par value thereof and interest thereon accrued from the date of such bonds to the date of delivery to the purchaser thereof. Before selling any bonds, the board shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either advertise or sell the bonds at private sale.

SEC. 321. The proceeds from the sale of bonds shall be paid into the treasury of the agency, placed to the credit of a special improvement fund, and expended only for the purpose for which the indebtedness was created. When such purpose has been accomplished, any moneys remaining in the special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds, or, if Section 322 is complied with, may be used for any other purpose of the agency; provided that such moneys remaining from the sale of bonds of the agency for an improvement district therein may be used, if Section 322 is complied with, only for any purpose which will benefit the improvement district.

SEC. 322. Such moneys may not be used (a) for such other agency purpose or inhabited improvement district purpose until two-thirds of the qualified voters of the agency or improvement district have consented thereto at a special election called by the board in the agency or improvement district, or (b) for such other uninhabited improvement district purpose until after a hearing held by the board in the manner provided in Section 265 and noticed as provided in Section 256 and failure of the owners of record of one-half of the assessed valuation of the real property situated in such improvement district to protest against such use. Notice of the election shall be given in the manner provided for bond elections in the agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency bond elections.

SEC. 323. The proceeds from the sale of bonds of the agency for an improvement district thereof may be expended for the purpose for which the indebtedness was created in any territory annexed to the improvement district after the authorization of the bonds.

CHAPTER 7. REVENUE BONDS

SEC. 335. The agency may issue revenue bonds for any purpose for which general obligation bonds may be issued. Such revenue bonds may be issued pursuant to the provisions of the Revenue Bond Law of 1941 or any other law which by

its terms is applicable to the agency. The agency is hereby determined to be a "local agency" as that term is defined in Government Code Section 54307.

PART 7. TAXATION AND ASSESSMENT

CHAPTER 1. TAXES AND ASSESSMENTS GENERALLY

SEC. 350. (a) The agency has power to cause to be levied, and to cause to be collected, for the purposes stated in this section, taxes on all real property in each member entity subject to taxation for county purposes. The agency may cause taxes to be levied and may cause taxes to be collected, in the manner provided in this part, for the purpose of paying administrative and general overhead expenses of the agency and any other expenses or claims against the agency (except expenses of maintenance and operation of the facilities of the agency) and the principal of and interest on promissory notes of the agency issued pursuant to Section 180.

(b) The agency has power to assess, and to cause to be collected, ad valorem assessments on all real property in each member entity or improvement district subject to taxation for county purposes and may assess and cause to be collected ad valorem assessments, in the manner provided in this part, for the purpose of paying the principal of and interest on bonds of the agency or of any improvement district therein.

SEC. 351. If the agency has no revenue or if the revenues of the agency are, or in the judgment of the board are likely to be, inadequate to pay the interest on or principal of any promissory notes or bonded debt as it becomes due, or any other expenses or claims against the agency, the board shall, at least 15 days before the first day of the month in which the board of supervisors of the county in which the agency or any part thereof is situated is required by law to levy the amount of taxes required for county purposes, furnish to the board of supervisors and to the auditor of each county, respectively, in writing:

(a) An estimate of the minimum amount of money required to be raised by (1) taxes on property within each member entity in the county subject to taxation for agency purposes for the payment of administrative and general overhead expenses of the agency and any other expenses or claims against the agency (except expenses of maintenance and operation of the facilities of the agency) and of the principal of or interest on any promissory notes of the agency and (2) assessments on property within each member entity in the county subject to assessment for agency purposes for the payment of such member entity's proportion of the amount required to pay the principal of or interest on any bonded debt of the agency or of an improvement district therein as it becomes due.

(b) A description of the improvement district benefited by the purposes of the bonded debt as stated in the resolution of

the board forming such improvement district, or, if the whole agency was benefited by incurring it, a statement of that fact.

SEC. 352. In making the estimate required by Section 351, the board shall allocate the amount of money required to be raised by taxes or assessments on property within each member entity in the county subject to taxation or assessment for agency purposes as follows:

(a) The amount of money required to be raised by taxes for payment of the principal of or interest on any promissory notes or administrative or general overhead expenses of the agency and any other expenses or claims against the agency (except expenses of maintenance and operation of the facilities of the agency) shall be allocated among the member entities of the agency in the same proportion that the assessed valuation of each such member entity bears to the total assessed valuation of the agency.

(b) The amount of money required to be raised by assessment for payment of the principal of or interest on any bonded debt shall be allocated among the member entities benefited by such bonded debt in the proportion in which such member entities, or the territories thereof included in an improvement district, are benefited by such bonded debt, as determined by the board in the resolution of the board calling the bond election at which such bonded debt was authorized, or, in the case of a bonded debt of an improvement district, in the resolution of the board forming such improvement district.

SEC. 353. After the board has furnished the estimates as required in Section 351, the board of supervisors of each county, annually, at the time and in the manner of levying other county taxes, shall:

(a) Until all promissory notes of the agency are fully paid, allocate as provided in subdivision (a) of Section 352 and levy upon all the property within each member entity in the county subject to taxation for agency purposes and cause to be collected a tax sufficient to pay such member entity's proportion of the amount required to pay the principal of and interest on such promissory notes, to be known as the "North Lake Tahoe-Truckee River Sanitation Agency note tax."

(b) Until all administrative and general overhead expenses of the agency and any other expenses or claims against the agency (except expenses of maintenance and operation of the facilities of the agency) are fully paid, allocate as provided in subdivision (a) of Section 352 and levy upon all property within each member entity in the county subject to taxation for agency purposes and cause to be collected a tax, not exceeding in any year fifteen cents ($0.15) per one hundred dollars ($100) of assessed valuation, sufficient to pay such member entity's proportion of the amount required to pay said expenses, to be known as the "North Lake Tahoe-Truckee River Sanitation Agency administration tax."

(c) Until all bonded debt is fully paid, allocate as provided in subdivision (b) of Section 352 and levy upon the property

within each member entity or territory thereof included in an improvement district in the county, benefited by the bonded debt, and cause to be collected, an assessment sufficient to to pay such member entity's or territory's proportion of the amount required to pay the principal of and interest on the bonded debt, to be known as the "North Lake Tahoe-Truckee River Sanitation Agency bond assessment."

SEC. 354. Subject to any other limitations in this act contained, the taxes shall be levied on property subject to taxation for agency purposes and the assessments shall be assessed on property subject to assessment for agency purposes as follows:

(a) Each note tax and administration tax shall be levied upon all real property in each member entity in the agency subject to taxation for agency purposes.

(b) Each bond assessment shall be assessed upon the property in each member entity or improvement district therein benefited by the purposes of the bonded debt, as stated in the resolution of the board calling the bond election at which such bonded debt was authorized, or, in the case of a bonded debt of an improvement district, in the resolution of the board forming such improvement district.

SEC. 355. All agency taxes and assessments shall be collected at the same time and in the same manner and form as county taxes and shall be paid to the agency.

SEC. 356. Assessments for the payment of a bonded debt and the interest on it are a lien on all the real property benefited thereby as stated in the resolution of the board calling the bond election at which such bonded debt was authorized, or, in the case of an improvement district, in the resolution of the board forming such improvement district.

SEC. 357. All taxes are a lien on all real property in any member entity in the agency subject to taxation for agency purposes.

SEC. 358. Agency taxes and assessments are of the same force and effect as liens for county taxes, and their collection shall be enforced by the same means as provided for the enforcement of liens for county taxes.

PART 8. ANNEXATION

CHAPTER 1. TERRITORY OF A MEMBER ENTITY

Article 1. Territory Annexed to a Member Entity Subject to Conditions

SEC. 375. Territory of a member entity annexed thereto after the formation of the agency shall be deemed to be annexed to the agency upon completion of proceedings to annex such territory to such member entity upon compliance with the provisions of this article.

SEC. 376. The governing body of a member entity shall file with the board of the agency and with the county clerk

of the principal county a certificate containing the following:

(a) A statement that territory has been annexed to such member entity after the date of formation of the agency and that such annexation has been completed in accordance with the provisions of all applicable laws, including the act under which such member entity is organized, and the District Reorganization Act of 1965, if applicable.

(b) A statement that at each hearing and at any election held and conducted for the purpose of determining whether such territory should be annexed, one of the terms and conditions of such annexation was that such territory, from and after the date of annexation to such member entity, should be annexed to, and be subject to liability for taxes levied and assessments assessed by, the agency.

SEC. 377. Upon receipt of the certificate provided for in Section 376, the board shall adopt a resolution which shall declare that such territory is annexed to the agency, and which shall set forth as the date of such annexation the date of annexation to such member entity. Thereafter, the secretary of the agency shall prepare, record and file the certificate required by Section 383 and Article 3 (commencing with Section 395) of this chapter shall be complied with.

Article 2. Territory Annexed to an Entity Without Conditions

SEC. 378. The governing body of a member entity may from time to time petition the board that territory of the member entity annexed thereto after formation of the agency but not in the agency, be annexed to the agency. Said petition shall state the boundaries of the proposed annexation and request the board to advise the governing body whether the board will consent to the annexation, and, if so, on what conditions.

SEC. 379. The board shall promptly consider a petition by a member entity that the agency annex territory of the member entity and accept or reject the petition. If the petition is accepted, the board shall adopt a resolution which shall (a) declare its consent to annexation of the territory, provided it is accomplished by a specified date, which shall not be later than 120 days after the adoption of the resolution, and (b) fix terms and conditions for the proposed annexation. The terms and conditions may provide, among other things,

(i) For the levy by the agency of special taxes or assessments upon real property within the annexed area or areas to be subject to taxation or assessment for the purposes of the agency in addition to the taxes and assessments that the agency is otherwise authorized to levy or assess; and if such provision is made, the board shall specify the aggregate amount to be so raised, the number of years prescribed for raising such aggregate amount, and that substantially equal annual levies or

assessments will be made for the purpose of raising such amount over the period so prescribed;

(ii) For a special sewage rate or rates to be fixed for the area or areas proposed to be annexed for any specified number of years; and

(iii) That the real property in the annexed area shall be subject to taxation and assessment, to the extent set forth in said terms and conditions, for the purpose of the payment of bonds and other obligations of the agency or of an improvement district therein authorized or outstanding at the time of annexation.

SEC. 380. A certified copy of the resolution provided for in the preceding section shall be forwarded to the governing body of the member entity requesting annexation.

SEC. 381. The governing body of the petitioning member entity may call a hearing to be held before it for the purpose of determining whether the territory involved should be annexed to the agency subject to the terms and conditions set forth in the resolution of the board. If decision is reached to hold a hearing, the governing body shall fix a time and place for the holding of a hearing before it on the question of annexation. The date shall be not less than 30 or more than 100 days after the adoption of the board's resolution. The governing body shall cause notice of said hearing to be given by publication in a newspaper of general circulation printed and published within the member entity pursuant to Section 6061 of the Government Code, or by posting in three public places within the area sought to be annexed if there is no such newspaper, and by the giving of mailed notice at least 15 days prior to the hearing. Such notice shall state:

(a) The boundaries of the area proposed to be annexed to the agency, naming it.

(b) The time and place fixed for the hearing.

(c) A brief description of the terms and conditions set forth in the board's resolution.

(d) Where a copy of the board's resolution may be inspected within the boundaries of the member entity at reasonable times and intervals.

(e) That owners of real property proposed to be annexed may file their written protest to the annexation with the governing body prior to or at the hearing.

(f) That upon completion of said hearing the governing body may order the annexation of the territory to the agency subject to the terms and conditions set forth in the board's resolution unless written protests to such annexation is not received at or prior to the hearing from the owners of 50 percent or more of the taxable real property, as shown on the last equalized assessment rolls, within the territory proposed to be annexed.

SEC. 382. At the time and place fixed, the governing body shall hold a hearing as to whether the territory should

be annexed to the agency subject to the terms and conditions fixed by the board. At said hearing the governing body shall receive and consider all relevant evidence on the question of whether the territory should be annexed to the agency subject to the terms and conditions fixed by the board and receive written protests by owners of real property with the territory proposed to be annexed to such annexation. If written protests are received by the governing body at or prior to the hearing to such annexation representing 50 percent or more of the assessed valuation of the territory proposed to be annexed, the governing body shall so find at the close of the hearing and shall declare that the subject territory shall not be annexed to the agency by virtue of annexation procedures theretofore initiated. If a 50-percent or more written protest is not received, the governing body may adopt its resolution in ordering the annexation of the territory to the agency subject to the terms and conditions fixed by the board. A certified copy of the resolution shall thereupon be filed with the secretary of the agency.

SEC. 383. Upon receipt of the resolution of the governing body of a member entity ordering the annexation of territory to an agency, the secretary of the agency shall prepare a certificate which states:

(a) The name of the agency.

(b) The name of the member entity whose territory is being annexed.

(c) The date of the resolution of annexation of the member entity.

(d) The county or counties in which the annexed territory is situated, and a description of the boundaries of such annexed territory, or refers to a map showing such boundaries, which map shall be attached to the certificate, or referenced to the county recorder's office where a description of said boundaries has been recorded.

(e) The terms and conditions of annexation prescribed by the board.

The secretary shall immediately cause to be recorded in the office of the county recorder of each affected county a copy of the certificate and cause it to be filed with the Secretary of State.

Article 3. Further Proceedings

SEC. 395. Upon receipt of the secretary's certificate, the Secretary of State shall, within 10 days, issue his certificate reciting that the territory has been duly annexed to the agency under the laws of the state, and shall forward copies of said certificate to the county clerk of each affected county for filing.

SEC. 396. From and after the date of the Secretary of State's certificate the area or areas named therein are added to and form a part of the agency, and taxable property in the annexed area or areas shall be subject to taxation for the

purposes of the agency. A certified copy of the secretary's certificate provided for in Section 383 and a description of the boundaries of the annexed territory shall be filed pursuant to Chapter 8 (commencing with Section 54900) of Part 1, Division 2, Title 5 of the Government Code.

SEC. 397. No informality in any proceeding not substantially affecting the legal rights of any citizen shall invalidate the annexation of territory to the agency.

SEC. 398. Any proceeding wherein the validity of any annexation to the agency is denied shall be commenced within three months from the date of the Secretary of State's certificate of annexation, otherwise the annexation and all proceedings in respect thereto, shall be held valid and incontestable.

CHAPTER 2. ANNEXATION OF A PUBLIC ENTITY

SEC. 410. Proceedings for annexation of all of the territory comprising a public entity which is not a member entity may be commenced by the governing body of the public entity and the procedure for annexation shall in all respects be the same as annexation of territory of a member entity as set forth in Chapter 1 (commencing with Section 375) of this part except that:

(a) The territory sought to be annexed shall not include territory of a member entity; and

(b) Upon completion of annexation, the public entity involved shall become a member entity, and shall be entitled to representation on the board as set forth in Chapter 1 (commencing with Section 60) of Part 3 of this act.

PART 9. CHANGES IN ORGANIZATION OF IMPROVEMENT DISTRICTS

CHAPTER 1. INCLUSION OF TERRITORY

Article 1. Inclusion Proceedings Initiated by Petition

SEC. 430. Any portion of a member entity, whether contiguous or not to an improvement district thereof, may be annexed to such improvement district in the manner provided in this chapter.

SEC. 431. Annexation proceedings may be initiated by petition. A petition, which may consist of any number of separate instruments, shall be filed with the secretary.

SEC. 432. The petition shall be signed by the holders of title to at least 60 percent of the land in the portion proposed to be annexed, which land shall have an assessed valuation of not less than 50 percent of the land proposed to be annexed.

SEC. 433. The petition for annexation shall contain all of the following:

(a) A description of the area proposed to be annexed. Such description may be made by reference to a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the area proposed to be annexed, or may be made in any other definite manner.

(b) The terms and conditions upon which the proposed area may be annexed.

(c) A prayer that the board declare such area to be annexed to the improvement district.

SEC. 434. The petition for annexation shall be accompanied by a certified check payable to the order of the agency in a sufficient amount to reimburse the agency for the expenses of processing and publishing the petition and preparing and making the filings required by law.

SEC. 435. Within 10 days of the filing of the petition for annexation, the secretary shall examine the petition and determine whether it is signed by the required number of property owners. Upon request of the secretary, the board shall authorize him to employ persons specially for this purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation.

SEC. 436. When the secretary has completed his examination of the petition for annexation, he shall attach to it his certificate, properly dated, showing the result of such examination.

SEC. 437. If the secretary finds from the examination that the petition for annexation is signed by the requisite number of property owners he shall certify that the petition is sufficient. If he finds it is not so signed, he shall certify that the petition is insufficient.

SEC. 438. If the secretary certifies in his certificate that the petition for annexation is insufficient, the petition may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate.

SEC. 439. Within 10 days after the filing of any supplemental petition or petitions, the secretary shall examine them and certify to the result of such examination as provided in Sections 435 to 437, inclusive.

SEC. 440. After the time for filing supplemental petitions has expired and all supplemental petitions have been examined, if the secretary's certificate shows that the petition for annexation is sufficient, the secretary shall cause notice of hearing on the petition to be published and posted without delay.

SEC. 441. The text of the petition for annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time at which it is to be presented to the board, in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in the agency, together with a notice stating the time and place of the meeting at which the petition will be presented. If the petition is

contained upon one or more instruments, only one copy of the petition need be published.

SEC. 442. No more than five of the names attached to the petition for annexation need appear in the publication of the petition and notice, but the number of signers shall be stated.

SEC. 443. The petition and notice shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing and shall be mailed in accordance with the requirements for the giving of mailed notice.

SEC. 444. The board shall proceed to hear the petition at the time and place fixed therefor, and any person residing within the agency or improvement district or owning taxable property in the agency or improvement district may appear and be heard at such hearing. Such hearing may be continued from time to time by the board.

SEC. 445. At the conclusion of the hearing, if the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district to which the area proposed to be annexed will be benefited thereby, the board may, by resolution, approve the annexation.

The resolution shall describe the annexed territory, which may be made by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area, or may be made in any other definite manner. The resolution shall also state the terms and conditions of annexation

SEC. 446. From and after the date of the adoption of the resolution approving the annexation, the area named therein is added to and forms a part of the improvement district. A certified copy of such resolution, a description of the boundaries of the annexed area and a description of the boundaries of the improvement district as changed by such annexation shall be filed with the county clerk of each affected county and pursuant to Chapter 8 (commencing with Section 54900) of Part 1, Division 2, Title 5 of the Government Code.

SEC. 447. The real property in the annexed area shall be subject to taxation and assessment after the annexation thereof for all purposes of the improvement district, including the payment of the principal of and interest on all bonds and other obligations of the improvement district authorized or outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district.

SEC. 448. The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

SEC. 449. Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this article is contested, questioned, or denied shall be commenced within three months after the date of the resolution approving

such annexation; otherwise the annexation shall be held to be valid and in every respect legal and incontestable.

Article 2. Inclusion Proceedings Initiated by the Board

SEC. 460. The board, by resolution, may initiate proceedings for the annexation of territory within a member entity contiguous to an improvement district to such improvement district.

SEC. 461. The resolution proposing annexation shall:

(a) Declare that proceedings have been initiated by the board pursuant to this article.

(b) State the reason for proposing the annexation.

(c) Set forth a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency which map shall govern for all details as to the extent of the area proposed to be annexed.

(d) State the terms and conditions of the annexation.

(e) State that the holders of title to any of the land sought to be annexed may file written protests with the secretary to the annexation or the annexation upon such terms and conditions.

(f) Fix the time and place of a meeting at which the board will receive written protests theretofore filed with the secretary, receive additional written protests, and hear from any and all persons interested in the annexation.

SEC. 462. The text of the resolution proposing annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time of hearing in at least one newspaper published and printed in the agency, if there is a newspaper printed and published in the agency.

SEC. 463. A copy of the resolution proposing annexation shall also be posted in three public places within the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing and shall be mailed in accordance with the requirements for the giving of mailed notice.

SEC. 464. The board shall proceed with the hearing at the time and place fixed therefor and may continue the hearing, if need be, from time to time. All interested persons will be heard at the hearing.

SEC. 465. If written protests are filed by the holders of title of one-half of the assessed valuation of the territory proposed to be annexed, further proceedings shall not be taken, and the board shall refuse the annexation by a resolution so stating.

SEC. 466. If written protest is not made by the owners of one-half of the assessed valuation of the territory proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an im-

provement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve such annexation.

The resolution shall describe the territory annexed, which may be by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area. The resolution shall also state the terms and conditions of annexation as theretofore determined by resolution of the board.

SEC. 467. If the board finds and determines that either the area proposed to be annexed to the improvement district will not be benefited thereby or that the improvement district to which the area is proposed to be annexed will not be benefited thereby and will be injured thereby, the board shall by resolution disapprove such annexation.

SEC. 468. From and after the date of the adoption of the resolution approving the annexation, the area described therein is added to and forms a part of the improvement district. A certified copy of such resolution, a description of the boundaries of the annexed area and a description of the boundaries of the improvement district as changed by such annexation shall be filed with the county clerk of each affected county and pursuant to Chapter 8 (commencing with Section 54900) of Part 1, Division 2, Title 5 of the Government Code,

SEC. 469. The real property in the annexed area shall be subject to taxation and assessment after the annexation thereof for all purposes of the improvement district, including the payment of the principal of and interest on all bonds and other obligations of the improvement district authorized or outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district.

SEC. 470. The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

SEC. 471. Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this article is contested, questioned, or denied shall be commenced within three months after date of the resolution of the board approving the annexation of the territory to an improvement district; otherwise, the annexation shall be held valid and in every respect legal and incontestable.

CHAPTER 2. DISSOLUTION OF IMPROVEMENT DISTRICTS

SEC. 480. Whenever the board deems it necessary for any improvement district formed pursuant to this division to be dissolved and if the requirements of subdivision (b) of Section 481 can be met, the board shall by resolution declare its intention to dissolve the improvement district.

SEC. 481. The resolution of intention shall state:

(a) The reason why the improvement district should be dissolved.

(b) That no bonds have been issued for the improvement district or are outstanding and that the improvement district has no other outstanding obligations to the agency or otherwise.

(c) That a map showing the exterior boundaries of the improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary and is available for inspection by any person or persons interested.

(d) The time and place for a hearing by the board on the question of the dissolution of the improvement district.

(e) That at such time and place any person interested, including all persons owning property in the agency or in the improvement district will be heard.

SEC. 482. Notice of the hearing shall be given by publishing a copy of the resolution, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. Such notice shall also be given by posting a copy of the resolution in three public places within the improvement district for at least two weeks before the time fixed for the hearing.

SEC. 483. At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including all persons owning property in the agency, or in the improvement district, may appear and present any matters material to the proposed dissolution.

SEC. 484. At the conclusion of the hearing, the board shall by ordinance determine whether it is necessary to dissolve the improvement district. If so, the ordinance shall state that the exterior boundaries of the improvement district are set forth on a map on file with the secretary and shall declare the improvement district dissolved. The determinations made in the ordinance shall be final and conclusive.

SEC. 485. When the ordinance declaring an improvement district dissolved becomes effective, the dissolution of such improvement district is complete.

SEC. 486. Any action or proceeding in which the validity of the dissolution of an improvement district, or of any of the proceedings in relation thereto, is contested, questioned, or denied shall be commenced within three months from the effective date of the ordinance dissolving the improvement district; otherwise, the dissolution of the improvement district and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 487. If a bond election has been held in an improvement district and less than two-thirds of the votes cast in such

election were in favor of the measure, the board may within one year of the date of such election call and hold another election as provided in Part 6 (commencing with Section 190) of this act for the purpose of resubmitting the measure to the electors of said improvement district. If the measure is not so resubmitted, said improvement district, on the anniversary date of the election, is dissolved without further action by the board. If said measure is resubmitted and fails to receive more than two-thirds of the votes cast in such election in favor of said measure, said improvement district is dissolved following the canvass of the election returns without further action by the board.

PART 10. DISSOLUTION

SEC. 500. The agency may be dissolved at any time upon the vote of two-thirds of the qualified electors of the agency at an election called by the board upon the question of dissolution.

SEC. 501. The election shall be called and conducted in the same manner as agency elections.

SEC. 502. Upon the dissolution of the agency, the property of the agency lying within a city shall vest in the city and the property of the agency lying within the unincorporated area of a county shall vest in the respective member entities or their successors.

SEC. 503. If the agency has any outstanding promissory notes or bonded debt or other obligations at the time of the election for dissolution, the vote to dissolve the agency shall dissolve it for all purposes except for the levying and collection of taxes or assessments for the payment of such promissory notes or bonded debt or other obligations the payment of the expenses of assessing, levying, and collecting the taxes or assessments.

SEC. 504. Until the promissory notes or bonded debt or other obligations are fully paid the legislative agency of the city, when the property of the agency lies wholly within the city, and in all other cases the board of supervisors of Placer County, is ex officio the board of directors of the agency. The board or legislative agency shall levy the taxes and assess the assessments and perform such other acts as are necessary to raise money for the payment of the promissory notes or bonded debt or other obligations, and for the purpose of maintaining the property of the agency in good order and repair. The board or legislative agency shall fulfill and compel fulfillment of all contracts made by the agency and shall maintain and protect all rights acquired by the agency.

PART 11. REPEALS

SEC. 600. Division 22 (commencing with Section 77000) of the Water Code is repealed.

CHAPTER 1504

An act to amend Section 11580.2 of the Insurance Code, relating to arbitration.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code insuring the insured, his heirs or his legal representative for all sums within such limits which he or they, as the case may be, shall be legally entitled to recover as damages for bodily injury or wrongful death from the owner or operator of an uninsured motor vehicle. The insurer and any named insured may by agreement in writing delete the provision covering damage caused by an uninsured motor vehicle. Such deletion by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply. A policy shall be excluded from the application of this section if the only coverage with respect to the use of any motor vehicle is limited to the contingent liability arising out of the use of nonowned motor vehicles.

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named

insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying,

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawlertreads or while located for use as a residence or premises and not as a vehicle, or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written

consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the insured and the insurer or, in the event of disagreement, by arbitration. The arbitration shall be conducted by a single neutral arbitrator. The provisions of Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure shall be applicable to such determinations, and all rights, remedies, obligations, liabilities and procedures set forth in said Article 3 shall be available to both the insured and the insurer at any time after the accident, both before and after the commencement of arbitration, if any, with the following limitations:

(1) Wherever in said Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the superior court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of said Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under said Article 3 with respect to the same accident, subject, however, to the right of such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without

notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a)(4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b)(2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(f) The insurer paying a claim under an uninsured motorist endorsement or coverage shall be entitled to be subrogated to the rights of the insured to whom such claim was paid against any person causing such injury or death to the extent that payment was made. Such action may be brought within three years from the date that payment was made hereunder.

(g) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(h) No cause of action shall accrue to the insured under any policy or endorsement provision issued pursuant to this section unless within one year from the date of the accident:

(1) Suit for bodily injury has been filed against the uninsured motorist, in a court of competent jurisdiction, or

(2) Agreement as to the amount due under the policy has been concluded, or

(3) The insured has formally instituted arbitration proceedings.

CHAPTER 1505

An act to add Chapter 21 (commencing with Section 9900) to Division 3 of the Business and Professions Code, and to amend Sections 1710.31, 1710.35, and 1710.4 of, and to add Sections 1698, 1698.1, 1698.2, 1698.3, 1698.4, 1698.5, 1698.6, 1698.7, and 1698.8 to, and to repeal Sections 1698, 1700.14 and 1710.18 of, and Chapter 1 (commencing with Section 1550) of Part 6 of Division 2 of, the Labor Code, relating to employment agencies, creating the Bureau of Employment Agencies, prescribing its organization, powers, and duties.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 21 (commencing with Section 9900) is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 21. EMPLOYMENT AGENCIES

Article 1. General Provisions

9900. This chapter of the Business and Professions Code constitutes the chapter on employment agencies. It may be cited as the "Employment Agency Act."

9901. As used in this chapter, "person" means any individual, company, society, firm, partnership, association, corporation, manager, contractor, subcontractor, or their agents or employees.

9902. As used in this chapter, "employment agency" or "agency" means any of the following:

(a) The business of conducting, in any capacity, an intelligence office, employment agency, registry other than a nurses' registry as defined in Section 1710.4 of the Labor Code, or any agency, business or office which procures, offers, promises or attempts to procure employment or engagements for others or employees for employers, or for the registration of persons seeking to procure or retain employment or engagement, or for giving information as to where and from whom such help, employment or engagement may be procured, or for providing employment or engagements where a fee or other valuable consideration is exacted, or attempted to be collected, directly or indirectly, for such services, regardless of where such business is conducted.

(b) Any person, service, bureau, organization, or club, which by advertisement or otherwise offers, as one of its main objects or purposes, to procure employment for any person who will pay for its services, or that collects dues, tuition, or membership or registration fees of any sort, where the main object of the person paying the same is to secure employment.

(c) Any person who acts as a labor contractor.

(1) A labor contractor is any person, who, for a fee or other compensation, employs an individual to render personal services to, for or under the direction of a third person.

(2) "Bona fide employees" or "employees," when used with reference to the employees of a labor contractor, refers to the employees rendering services to the labor contractor and not to the individuals employed by the labor contractor to render personal services to, for or under the direction of a third person.

(3) A central hiring establishment, intelligence office, registry other than a nurses' registry, agency or place maintained without cost to applicants for employment by groups of employers or groups of employers and employees, or a person licensed under Chapter 9 (commencing with Section 7000) of Division 3 of this code, does not constitute a labor contractor within the meaning of this chapter.

(4) A person employing individuals to render part-time or temporary personal services to, for or under the direction of a third person is not a labor contractor within the meaning of this chapter if the person employing the individuals, in addition to wages or salaries, pays federal social security taxes, state and federal unemployment insurance, carries workmen's compensation insurance as required by state law, and sustains responsibility for the acts of his employees while rendering services to, for or under the direction of a third person. The person employing individuals to render part-time or temporary personal services shall not send the employees to any place where a strike, lockout or labor dispute exists.

9902.5. As used in this chapter, "employment agency" or "agency" does not include a nursing school, business school, or vocational school.

9902.6. The provisions of this chapter shall not apply to any person engaged in the business of management consulting and who in the course of said business acts solely on behalf of, and is compensated solely by, an employer to identify, appraise or recommend an individual or individuals for consideration for an executive or professional position, provided that:

(a) The compensation for each such position is at the rate of not less than fifteen thousand dollars ($15,000) per year.

(b) In no instance is the individual who is identified, appraised or recommended for consideration for such position charged a fee directly or indirectly in connection with such identification, appraisal or recommendation, or for preparation

of any résumé, or on account of any other personal service performed by the person engaged in the business of management consulting and who in the course of said business is retained by the employer to identify, appraise or recommend individuals for executive or professional positions.

9903. As used in this chapter, "fee" means:

(a) Any money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by any person conducting an employment agency under this chapter.

(b) Any money received by any person in excess of that which has been paid out by him for transportation, transfer of baggage, or board and lodging for any applicant for employment.

(c) The difference between the amount received by a labor contractor and the amount paid out by him to the person employed to render personal services to, for or under the direction of a third person.

9904. As used in this chapter, "registration fee" means any charge made, or attempted to be made, for registering or listing an applicant for employment, or any charge for letter writing, cost of photograph or filmstrip, costume, or any charge of a like nature made, or attempted to be made without having a bona fide order for the placement of the applicant in a position.

9905. As used in this chapter, "license" means a license issued by the bureau to carry on the business of an employment agency under this chapter, or an employment agency manager's license.

9906. As used in this chapter, "licensee" means a person who holds a valid, unrevoked, and unforfeited license under this chapter.

9907. As used in this chapter, "department" means the Department of Professional and Vocational Standards.

9908. As used in this chapter, "director" means the Director of Professional and Vocational Standards.

9908.5. As used in this chapter, "chief" means the Chief of the Bureau of Employment Agencies.

9908.7. As used in this chapter, "bureau" means the Bureau of Employment Agencies.

9909. As used in this chapter, "board" means the California Advisory Board to the Bureau of Employment Agencies.

9910. Nothing in this chapter shall apply to a nonprofit organization or corporation, organized for the purpose of economic adjustment, civic betterment, and the giving of vocational guidance and placement to its members, when all of the following conditions exist:

(a) None of the directors, officers or employees thereof receive any profit other than a nominal salary for services performed for the organization or corporation.

(b) No fee is charged for employment services.

(c) Membership dues or fees charged are used solely for maintenance of the organization or corporation.

9911. Nothing in this chapter shall apply to a nonprofit organization or corporation which has been formed in good faith for the promotion and advancement of the general professional interests of its members and which maintains a placement service principally engaged in securing employment for such members with the state or any county, city district or other public agency under contracts providing employment for one year or longer, or any organization or corporation exempted by Section 9910.

9912. Any organization or corporation shall, in order to be exempt under Sections 9910 and 9911, file on or before the first day of April of each year with the bureau a copy of its bylaws and constitution together with a sworn statement setting forth all of the following:

(a) The place of business.

(b) The names and addresses of officers, directors and employees and the salaries they receive.

(c) The various benefits furnished to members.

9913. Nothing in this chapter shall apply to a farm labor contractor, as defined or licensed under Chapter 3 (commencing with Section 1682) of Part 6 of Division 2 of the Labor Code.

9914. Nothing in this chapter shall apply to an artists' manager, as defined or licensed under Chapter 4 (commencing with Section 1700) of Part 6 of Division 2 of the Labor Code.

9915. Nothing in this chapter shall apply to a nurses' registry, as defined or licensed under Chapter 5 (commencing with Section 1710) of Part 6 of Division 2 of the Labor Code.

9916. All rules and regulations contained on the effective date of this chapter in Group 3 (commencing with Section 11875) of Chapter 6 of Title 8 of the California Administrative Code shall remain in effect until amended or repealed by the chief with the approval of the director.

Article 2. Administration

9920 There is in the Department of Professional and Vocational Standards a Bureau of Employment Agencies under the supervision and control of the Chief of the Bureau of Employment Agencies

9921. The chief shall be appointed by the Governor and shall serve at his pleasure. His compensation shall be fixed by the director in accordance with law.

The duty of enforcing and administering this chapter is vested in the chief and he is responsible to the director therefor.

9922. In accordance with the State Civil Service Act, the director may appoint and fix the compensation of such inspectors, investigators and other personnel as may be necessary for the administration of this chapter.

9923. Except as qualified by this chapter the chief has all the powers and duties of a head of a department under Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

9924. With the approval of the director, the chief may adopt rules and regulations necessary for the administration of this chapter and declaring the policy of the bureau.

9925. All rules and regulations shall become effective not earlier than 30 days after approval by the director, and upon compliance with the procedure provided in Chapter 4.5 (commencing with Section 11471) of Part 1 of Division 3 of Title 2 of the Government Code.

9926. There is in the Bureau of Employment Agencies a California Advisory Board to the Bureau of Employment Agencies, which consists of seven members appointed by the Governor.

9927. Four members of the board shall be representatives of the employment agency industry and three shall be public members.

9928. Each member of the board shall have been a citizen and a resident of the State of California for at least five years immediately preceding his appointment, and shall be at least 30 years of age and of good character.

Each member of the board, other than the public members, shall be of recognized standing in the employment agency industry.

9929. Notwithstanding any other provision of this code, each member of a board shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The terms of the members first appointed to the board shall expire as follows: three members, January 1, 1969; three members, January 1, 1970; and one member, January 1, 1971.

Vacancies occurring in the membership of the board for any cause shall be filled by appointment for the balance of the unexpired term.

No member shall serve more than two consecutive terms of office.

9930. The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty.

9931. The board shall meet at least once in each calendar quarter of each year.

Four members shall constitute a quorum for the transaction of business.

The board shall elect from its members, each for a term of one year, a chairman and a vice chairman, and may appoint such committees as it deems necessary to carry out its duties.

9932. The chief shall serve ex officio as the secretary of the board, but shall not be a member of the board.

9933. Each member of the board shall receive a per diem and expenses as provided in Section 103.

9934. The board shall:

(a) Inquire into the needs of the employment agency industry, the functions of the bureau and the matter of the policy thereof, and make such recommendations with respect thereto as, after consideration, may be deemed important and necessary for the welfare of the state, the health of the public, and welfare and progress of the employment agency industry.

(b) Confer and advise with the director as to how the bureau may best serve the state, the public and the employment agency industry.

(c) Consider and make appropriate recommendations on its own initiative as to changes in, or additions to or deletions of rules and regulations which the chief has adopted as, after consideration, may be deemed important and necessary.

(d) Consider and make appropriate recommendations in all matters submitted to it by the director or the chief.

(e) Confer and advise with the chief in the preparation of any rules and regulations to be adopted, amended or repealed.

(f) Assist the chief in the collection of such necessary information and data as the chief may deem necessary to the proper administration of this chapter.

9935. All meetings of the board shall be open and public, and all persons shall be permitted to attend any meetings of the board.

9936. Except as otherwise provided by law, all records of the board shall be open to inspection by the public during regular office hours.

Article 3. Licensing and Examination

9940. No person shall open or operate any employment agency unless he has procured an employment agency license therefor from the bureau. Such license shall be posted in a conspicuous place in the agency.

9941. The bureau shall issue two types of licenses:

(a) An employment agency license.

(b) An interim employment agency license.

9942. A written application for an employment agency license shall be made to the bureau in the form prescribed by the bureau and shall include:

(a) The name and address of the applicant. The names and addresses of each partner, from applicant partnerships, and each officer, from applicant corporations, shall be stated.

(b) The full address of the place where the business of the employment agency is to be conducted.

(c) The business or occupation engaged in by the applicant for at least two years immediately preceding the date of application.

(d) The proposed name of the agency. The bureau shall reject any proposed name which is the same or similar to

that of a licensed employment agency. An applicant which is to be an enfranchised member of an employment agency system may, however, include in its application the name of such system. If it does so, it may, in addition to the name approved by the bureau, state in any sign, advertising, or promotional material that it is an enfranchised member of such employment agency system. Such statement shall be placed immediately below the name of the agency and shall be in letters which are not larger than one-half the size of the letters in the name of the agency.

Notwithstanding the provisions of this subdivision, the bureau shall approve as the proposed name, the name of an applicant as it appears on a valid, current employment agency license issued on or before June 30, 1967. When such name is used on any sign, advertising, or promotional material, the entire name as shown on the license shall be used.

(e) Such questions and information as will assure the bureau of the applicant's eligibility to hold license, as established in Section 9944.

(f) The names and addresses of all persons, except bona fide employees on commission or stated salaries, financially interested, either as partners, associates or profit sharers or anyone who receives any part of the income directly, in the operation of the agency in question, together with the amount of their respective interests.

(g) The name and address of the candidate, or candidates, for examination. The candidate for examination shall be one of the persons named in subdivision (a) above. In the event of partnerships or corporations, each partner, or officer, may be a candidate for examination.

(h) Such other information as the bureau may require. The application shall be accompanied by affidavits of at least two reputable residents of the city or county in which the employment agency is to be conducted that the applicant is a person of good moral character.

9943. To be eligible for application for a license, the applicant shall be:

(a) In the opinion of the bureau, of good moral character.

(b) At least 21 years of age.

(c) A person whose license has not been revoked within three years from the date of application.

(d) A person with a minimum of one year's experience with an employment agency or with equivalent experience in the opinion of the bureau.

(e) A person who has completed the 12th grade, except that the bureau may establish proof satisfactory to them that the applicant is possessed of a 12th grade education in point of intellectual competency and achievement.

(f) Show financial responsibility.

9944. Upon receipt of an application for a license, the bureau shall cause an investigation to be made as to the char-

acter and responsibility of the applicant and of the premises designated in such application as the place in which it is proposed to conduct an employment agency. The bureau shall have the authority to approve or reject any proposed premises, if, in its opinion, such premises would endanger the health, welfare, safety or morals of applicants for employment, or would tend to reflect unfavorably on the employment agency business.

The bureau shall not grant a license to conduct an employment agency:

(a) In rooms used for living purposes.

(b) Where boarders or lodgers are kept.

(c) Where meals are served.

(d) Where persons sleep.

(e) In connection with a building or premises where intoxicating liquors are sold or consumed.

(f) In connection with pool halls or soft drink parlors.

9945. The bureau, upon proper notice and hearing, may refuse to grant a license. Such proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the bureau shall have all the powers granted therein.

9946. No employment agency license shall be issued until an applicant named in subdivision (a) of Section 9942 shall have successfully passed a qualifying examination.

9947. The director shall prepare, or cause to be prepared, administered, graded, or reviewed qualifying examinations as promulgated by the bureau for all candidates as stipulated in Section 9946. Not less than six nor more than 12 such examinations shall be held each year at such places throughout the state as may be designated by the bureau. Such examinations shall include subject matter selected by the bureau to demonstrate the applicant's ability, knowledge and proficiency to conduct or manage an employment agency. Examinations shall be practical in character, and of such length and scope as the director deems necessary. The examination shall be written. Both questions and answers shall be in the English language. The examination procedure, method of grading, general average required to be obtained by successful applicants, and other details of the examinations not expressly covered by this chapter shall be determined by the bureau.

9948. The examination papers of any person shall be kept by the bureau for the period of one year and may then be destroyed. Such papers shall be open to inspection during the one-year period only by the bureau, their clerical assistants, the applicant or his attorney, by a court of competent jurisdiction in a proceeding where the contents of the papers are properly involved, or by the director in accordance with Section 110 or Section 153.

9949. A license when issued shall designate:

(a) The name of the licensee.

(b) The number and date of issuance of the license.

(c) The name of the qualified examinee or examinees.

(d) In addition, the employment agency license shall designate:

(1) The city, street and number of the premises in which the employment agency is authorized to carry on its business.

9950. The license shall protect only the person or persons to whom it is issued and only those places designated in the license. No license shall be issued, transferred or assigned to any person unless written consent is obtained from the bureau.

9951. The bureau may grant permission to establish branch offices to any licensed agency. No branch office shall be established without written permission from the bureau.

9952. The location of an employment agency or its branch offices shall not be changed without written consent from the bureau.

9953. Every license issued shall run to and including the 31st day of March next following the date thereof unless sooner revoked by the bureau, and may be renewed each year upon the filing of an application of renewal.

9954. All applications for renewal of an employment agency license shall state the name and address of all persons, except bona fide employees on stated salaries, financially interested either as partners, associates or profit sharers, in the operation of the employment agency.

9955. All valid, unforfeited and unrevoked agency licenses, on the effective date of this chapter, may be renewed from year to year without the necessity for the licensee or licensees to qualify under subdivision (e) of Section 9943 and Section 9946. No license may be renewed under this section if there is a change in the licensee or licensees, or in the amount of their respective interests.

9956. Upon the sale of an employment agency or in case of the death of an individual licensee who leaves an employment agency business as part of his estate the bureau shall, upon proper application as prescribed, issue an interim employment agency license to the purchaser or the personal representative, or to the nominee of the personal representative, of the deceased licensee. In the case of the dissolution by death of a licensed copartnership, the bureau shall, upon proper application, issue to the surviving partner or partners, an interim employment agency license.

The application shall be in writing and subscribed and sworn to by the person to whom the interim employment agency license is to be issued. The application shall be accompanied by the bond provided for in Article 4 (commencing with Section 9960) and the interim employment agency license fee specified in Article 7 (commencing with Section 9995).

An interim employment agency license shall be effective for a period of one year and shall not thereafter be renewed or continued.

Article 4. Bonds

9960. An employment agency shall deposit with the bureau, prior to the issuance or renewal of a license, a surety bond in the penal sum of one thousand dollars ($1,000).

9961. Such surety bonds shall be payable to the people of the State of California, and shall be conditioned that the person applying for the license will comply with this chapter and will pay all sums due any individual or group of individuals when such person or his representative or agent has received such sums, and will pay all damages occasioned to any person by reason of misstatement, misrepresentation, fraud, deceit, or any unlawful acts or omissions of the licensed employment agency, or its agents or employees, while acting within the scope of their employment.

9962. If any licensee fails to file a new bond with the bureau within 30 days after notice of cancellation by the surety of the bond required under Section 9960, the license issued to the principal under the bond is suspended until such time as a new surety bond is filed A person whose license is suspended pursuant to this section shall not carry on the business of an employment agency during the period of such suspension.

Article 5. Rules and Regulations

9970. Every employment agency shall keep records approved by the bureau. No employment agency, its agent or employees, shall make any false entry in such records.

9971. All books, records and other papers kept pursuant to this chapter in any employment agency shall be open at all reasonable hours to the inspection of the director or his agents. Every employment agency shall furnish to the director upon request a true copy of such books, records, and papers or any portion thereof, and shall make such reports as the director prescribes.

9972. No employment agency shall knowingly issue a contract for employment containing any term or condition which, if complied with, would be in violation of law, or attempt to fill an order for help to be employed in violation of law.

9973. Every person conducting an employment agency shall file with the bureau a schedule of fees to be charged and collected in the conduct of its business. In the schedule, the various employments or salary ranges by which the fee is to be computed or determined shall be classified, and in each class the maximum fee shall be fixed and shall include the charges of every kind rendered by the agency in each case or transaction on behalf of the prospective employer and a prospective employee. Changes in the schedule may be made, but no change shall become effective until seven days after

the date of filing thereof with the bureau and until posted for not less than seven days in a conspicuous place in the agency.

9974. A copy of the schedule in effect with the changes noted thereon shall be kept posted in the employment agency in a conspicuous place, and the posted schedule and the changes therein shall be in lettering or printing of not less than standard pica capitals. The date of the taking effect of the schedule and of each change therein shall appear on the posted copies. No fee charged or collected shall be in excess of the fee as scheduled.

9975. No employment agency shall accept a fee from any applicant for employment, or send any applicant for employment without having obtained orally or in writing, a bona fide order for employment, and in no case shall such employment agency accept, directly or indirectly, a registration fee of any kind. Should an employment agency send an applicant for employment and should the applicant secure employment other than that position specified in the bona fide order for employment to which the applicant was sent, but with the same employer, then the agency shall be entitled to a fee for the employment of the applicant, computed under the terms of the fee schedule in effect in the agency at the time of referral, within 60 days.

9976. No employment agency shall divide fees with an employer, an agent or other employee of an employer or person to whom help is furnished.

9977. If the applicant making a deposit fails to obtain employment, the employment agency shall, upon demand therefor, repay the amount of the deposit to the applicant. Unless the deposit is returned within 48 hours after demand, the employment agency shall pay to the applicant an additional sum equal to the amount of the deposit. A notice to this effect shall be inserted in all contracts between the agency and the applicant, and in all receipts given to the applicant for cash payment in advance of employment, and in the schedule of fees posted in the office of the agency.

9978. No employment agency shall publish or cause to be published any false, fraudulent, or misleading information, representation, notice, or advertisements. All advertisements of an employment agency by means of cards, circulars, or signs, and in newspapers and other publications, shall be printed and contain the licensed name and address of the employment agency. Every employment agency shall use the word "agency" or "agencies" as part of its licensed name. No employment agency shall give any false information or make any false promises or representations concerning an engagement or employment to any applicant who registers or applies for an engagement or employment or help.

9979. No employment agency shall send or cause to be sent any applicant to any place where the health, safety, wel-

fare or morals of the applicant could be adversely affected, the character of which places the agency could have ascertained upon reasonable inquiry.

9980. No employment agency shall send any minor under the age of 18 years to any place where intoxicating liquors are sold to be consumed on the premises.

9981. No employment agency shall knowingly permit any persons of bad character to frequent, or be employed by, such agencies.

9982. No employment agency shall, when such employment would be in violation of Chapter 1 (commencing with Section 1171) of Part 4 of Division 2 of the Labor Code or Division 9 (commencing with Section 10501) of the Education Code, accept any application for employment made by, or on behalf of, any minor, or place or assist in placing any minor in any such employment.

9983. Every employment agency shall post in a conspicuous place in the applicant reception area of such agency a printed copy of this chapter and of such other statutes as may be specified by the bureau. The bureau shall furnish printed copies of any statute required to be posted by employment agencies.

9984. (a) Every employment agency shall give to every applicant for employment from whom a fee is to be received a contract or receipt, in which is stated all of the following:

(1) The name, address and telephone number of the employment agency.

(2) The name and address of the person giving the order for help, the date and consecutive number of the receipt of such order by the agency, and its manner of transmission.

(3) The date and consecutive number of issuing the contract.

(4) The name of the applicant, the name and address of the person to whom the applicant is sent for employment, and the address where the applicant is to report for employment.

(5) The amount of fee to be charged and to be collected from the applicant, the amount of fee, paid or advanced by the prospective employer and by whom paid or advanced.

(6) The kind of work or employment.

(7) The daily hours of work; the wages or salary including any consideration of privilege; whether or not board or lodging or both is to be furnished.

(8) If any labor trouble exists at the placement of employment, that fact shall be stated in the contract.

(9) Any other term, condition, or understanding agreed upon between the agency and the applicant.

(b) There shall be printed on the face of the contract in prominent type the following: "This agency is licensed by the Bureau of Employment Agencies of the State of California." At the bottom of the contract there shall appear a notice to the effect that the contract is the property of the applicant

and shall not be taken from him. A notice shall also appear in the contract directing the employer to state on the reverse side of the contract in the space provided therefor, that he discharged the applicant after employing him less than seven days, and indicate thereon the amount of gross wages paid, when either is the fact, and the number of days of such employment.

(c) The employment agency shall in such contract undertake to repay the applicant the fee in the event of failure to procure employment.

(d) Every such contract or receipt shall be made and numbered consecutively in original and duplicate, both to be signed by the applicant and the person acting for the employment agency. The original shall be given to the applicant and the duplicate shall be kept on file at the agency.

9985. All contracts or agreements of types other than provided in Section 9984 between the employment agency and applicants for employment shall be approved by the bureau. Those in existence when this chapter becomes law shall continue in effect until changed or superseded by the bureau.

9986. Notwithstanding the provisions of Section 9984, the bureau may, by rule and regulation, prescribe alternative forms of contracts or receipts which may be used by employment agencies for specific occupations in which the nature and duration of the employment reasonably justifies the use of a contract or receipt different from that set forth in Section 9984.

9987. Every employment agency shall notify each applicant before sending such applicant in response to a request for employment whether a labor contract is in existence at the establishment to which the applicant is being sent, and whether union membership is required.

9988. No employment agency shall send an applicant to any place where a strike, lockout, or other labor trouble exists without notifying the applicant of such fact and shall in addition thereto enter a statement of such conditions upon the receipt given to such applicant

9989. All employment provided by any employment agency to any applicant from whom a fee is to be received shall be considered permanent only if lasting beyond 90 days

Article 6. Disciplinary Proceedings and Offenses Against the Chapter

9990. The bureau may suspend or revoke licenses, after proper notice and hearing to the licensee, if the licensee has been found guilty by the bureau of any of the acts or omissions constituting grounds for disciplinary action. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the bureau shall have all the powers granted therein.

9991. All accusations against licensees shall be filed with the bureau within one year after the performance of the act or omission alleged as the ground for disciplinary action.

This section shall not constitute a defense to an accusation alleging fraud or misrepresentation as a ground for disciplinary action. The cause for disciplinary action in such cases shall not be deemed to have accrued until discovery by the bureau, of the facts constituting the fraud or misrepresentation, and, in such case, the accusation shall be filed within one year after such discovery. The bureau may, upon its own motion, and shall upon verified complaint in writing of any person, investigate the actions of any person licensed under this chapter.

9992. Upon receipt of a complaint, or upon its own motion, the bureau shall ascertain whether or not the accused licensee has been guilty of an act or omission constituting a ground for disciplinary action and may make or cause to be made such investigation as it deems necessary in order to ascertain this fact. All inspections and investigations are to be performed by personnel assigned by the director.

9993. Acts or omissions constituting grounds for disciplinary action by the bureau shall include, but shall not be limited to:

(a) Engaging in unprofessional conduct.

(b) Procuring a license by fraud, misrepresentation or mistake.

(c) Violations or attempts to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiracy to violate, any provision or term of this chapter.

(d) Making or giving any false statement or information in connection with the application for issuance of a license.

(e) Conviction of a felony or any crime involving moral turpitude.

(f) Impersonating or acting as proxy for any applicant in any examination required under this chapter for the issuance of a license.

(g) Making false promises, misrepresentations in advertisements, or engaging in the practice of claiming or demanding fees, other compensation or commissions for services not rendered, within the contract agreed.

(h) Engaging in any other conduct, whether of the same or a different nature than specified in this section, which constitutes fraud or dishonest dealing.

9994. Any person, or agent or officer thereof, who violates any provision of this chapter is guilty of a misdemeanor, punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500), or imprisonment for a period of not more than 60 days, or both.

Article 7. Revenue

9995. The bureau shall receive and account for all fees and revenues derived from the operation of this chapter and, at the end of each month, shall report such fees and revenues to the State Controller and shall pay it to the State Treasurer, who shall keep the fees and revenues in a separate fund known as the Bureau of Employment Agencies Fund. The fees and revenues contained in this fund shall be used for the purposes of carrying out the provisions of this chapter. The fees and revenues contained in this fund shall not be available for expenditure until appropriated by the Legislature.

9996. The unencumbered balance of all money available for expenditure by the Department of Industrial Relations, Division of Labor Law Enforcement, in carrying out any functions transferred to the Department of Professional and Vocational Standards by this chapter shall be made available for the support and maintenance of the Department of Professional and Vocational Standards in carrying out those functions, and all books, documents, records and property of the Department of Industrial Relations, Division of Labor Law Enforcement, relating to such functions shall be transferred to the Department of Professional and Vocational Standards.

9997. The bureau shall charge the following fees:

(a) A filing fee of fifty dollars ($50) for each new application for license.

(b) A filing fee of one hundred dollars ($100) for each new application for a branch office license.

(c) A filing fee of fifty dollars ($50) for application for examination or reexamination.

(d) A filing fee of fifty dollars ($50) for application to transfer or assign a license.

(e) An annual license fee of two hundred dollars ($200) for an employment agency license.

(f) An annual license fee of one hundred dollars ($100) for license of each branch office.

(g) An interim employment agency license fee of one hundred dollars ($100).

(h) A reinstatement fee of two hundred dollars ($200), in addition to other fees, to reinstate a license revoked or suspended.

No fees shall be prorated for the unexpired portion of the license year.

SEC. 2. Chapter 1 (commencing with Section 1550) of Part 6 of Division 2 of the Labor Code is repealed.

SEC. 3. Section 1698 of the Labor Code is repealed.

SEC. 4. Section 1698 is added to the Labor Code, to read:

1698. All moneys collected for licenses and all fines collected for violations of the provisions of this chapter shall be paid into the State Treasury and credited to the General Fund.

SEC. 5. Section 1698.1 is added to the Labor Code, to read:

1698.1. No licensee shall sell, transfer or give away any interest in or the right to participate in the profits of the employment agency without the written consent of the Labor Commissioner. A violation of this section shall constitute a misdemeanor, and shall be punishable by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisonment for not more than 60 days, or both.

SEC. 6. Section 1698.2 is added to the Labor Code, to read:

1698.2. No licensee shall knowingly issue a contract for employment containing any term or condition which, if complied with, would be in violation of law, or attempt to fill an order for help to be employed in violation of law.

SEC. 7. Section 1698.3 is added to the Labor Code, to read:

1698.3. No licensee shall accept a fee from any applicant for employment, or send any applicant for employment without having obtained orally or in writing, a bona fide order therefor, and in no case shall such licensee accept, directly or indirectly, a registration fee of any kind.

SEC. 8. Section 1698.4 is added to the Labor Code, to read:

1698.4. No licensee shall send or cause to be sent, any woman or minor under the age of 21 years, as an employee to any house of ill fame, to any house or place of amusement for immoral purpose, to places resorted to for the purposes of prostitution, or to gambling houses, the character of which places the agency could have ascertained upon reasonable inquiry.

SEC. 9. Section 1698.5 is added to the Labor Code, to read:

1698.5. No licensee shall send any minor under the age of 18 years to any saloon or place where intoxicating liquors are sold to be consumed on the premises.

SEC. 10. Section 1698.6 is added to the Labor Code, to read:

1698.6. No licensee shall knowingly permit any persons of bad character, prostitutes, gamblers, intoxicated persons, or procurers to frequent his premises.

SEC. 11. Section 1698.7 is added to the Labor Code, to read:

1698.7. No licensee shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever in violation of Part 4 (commencing with Section 1171) of this division.

SEC. 12. Section 1698.8 is added to the Labor Code, to read:

1698.8. No licensee shall divide fees with an employer, an agent or other employee of an employer or person to whom help is furnished.

SEC. 13. Section 1700.14 of the Labor Code is repealed.

SEC. 14. Section 1710.18 of the Labor Code is repealed.

SEC. 15. Section 1710.34 of the Labor Code is amended to read:

1710.34. Each nurses' registry shall cause each applicant for employment as a nurse to fill out an application form, giving the following information:

(a) The name and address of applicant.

(b) Whether or not such applicant is a licensed registered nurse or licensed vocational nurse in the State of California.

(c) The number and date of such license.

(d) If not a holder of a current registration or license, his or her qualifications as a nurse.

(e) The names and addresses of such person or persons who can verify the experience or training claimed.

(f) Such other information as may be appropriate.

SEC. 16. Section 1710.35 of the Labor Code is amended to read:

1710.35. No nurses' registry shall send out any person to render nursing service unless such person has been interviewed by the licensee. The application shall have endorsed thereon the date of the interview and the signature of the person who interviewed the applicant.

SEC. 17. Section 1710.4 of the Labor Code is amended to read:

1710.4. (a) A "nurses' registry," as used in this chapter, means a person who engages in the occupation of procuring commitments for nursing services, and who may incidentally make referrals, not to exceed one-tenth of the total annual referrals, for nursing employment other than private duty nursing.

(b) A "private-duty nurse," as used in this chapter, means a nurse rendering service in the care of a patient either physically or mentally ill under the direction of a physician and surgeon, who is paid by either the patient or the designated agent of the patient and who is a self-employed private contractor.

CHAPTER 1506

An act to amend Section 1413 of, to amend and renumber Sections 1431, and 1432 of, and to add Section 1431 to, the Labor Code, relating to fair employment practices.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1413 of the Labor Code is amended to read:

1413. As used in this part:

(a) "Person" includes one or more individuals, partnerships, associations or corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(b) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(c) "Labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(d) "Employer," except as hereinafter provided, includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly; the state or any political or civil subdivision thereof and cities.

"Employer" does not include a social club, fraternal, charitable, educational or religious association or corporation not organized for private profit.

"Employer" does not include a person with respect to the person's employment of agricultural workers residing on the land where they are employed as farmworkers, except that "employer" does include a person with respect to the person's employment of agricultural workers to reside on the land where they are employed which employment begins after September 18, 1965.

(e) "Employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person in his home.

(f) "Commission," unless a different meaning clearly appears from the context, means the State Fair Employment Practice Commission created by this part.

(g) "Affirmative actions" means any educational activity for the purpose of securing greater employment opportunities for members of racial, religious, or nationality minority groups and any promotional activity designed to secure greater employment opportunities for the members of such groups on a voluntary basis.

SEC. 2. Section 1431 is added to the Labor Code, to read:

1431. The Division of Fair Employment Practices may engage in affirmative actions with employers, employment agencies, and labor organizations in furtherance of the purposes of this part as expressed in Section 1411.

SEC. 3. Section 1431 of the Labor Code is amended and renumbered to read:

1432. The provisions of this part shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this act shall be deemed to repeal any of the provisions of the Civil Rights Law or of any other law of this state relating to discrimination because of race, religious creed, color, national origin or ancestry.

Nothing contained in this act shall be deemed to repeal or affect the provisions of any ordinance relating to such discrimination in effect in any city, city and county, or county at the time this act becomes effective, insofar as proceedings

theretofore commenced under such ordinance or ordinances remain pending and undetermined. The respective administrative bodies then vested with the power and authority to enforce such ordinance or ordinances shall continue to have such power and authority, with no ouster or impairment of jurisdiction, until such pending proceedings are completed, but in no event beyond one year after the effective date of this act.

SEC. 4. Section 1432 of the Labor Code is amended and renumbered to read:

1433. If any clause, sentence, paragraph, or part of this part or the application thereof to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this part and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved.

SEC. 5. The provisions of this act shall not be construed to promote employment upon a preferential or quota basis. Notwithstanding any other provision to the contrary, all information received by the commission pursuant to this act shall remain confidential and shall not serve as the basis for the filing of a complaint against any employer.

CHAPTER 1507

An act to add Section 15352.5 to the Education Code, relating to schools.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 15352.5 is added to the Education Code, to read:

15352.5. Section 15352 shall not apply to trailer coaches used for classrooms or laboratories if such trailer coaches conform to the requirements of Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code, and the rules and regulations promulgated thereunder, concerning mobilehomes and are readily movable, not placed upon fixed foundations, are moved to another school site and used for special educational purposes at least three times each fiscal year, and are used by not more than 12 students at a time, except that such trailer coaches may be used by not more than 17 students at a time for driver training purposes.

The purchase and use of such trailer coaches shall be at all times under the direct supervision of the county superintendent of schools.

CHAPTER 1508

An act to repeal Chapter 2.5 (commencing with Section 730), Part 1, Division 2 of, and to add Chapter 2.5 (commencing with Section 730), Part 1, Division 2 to, the Civil Code, relating to the Revised Uniform Principal and Income Act.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.5 (commencing with Section 730) of Part 1 of Division 2 of the Civil Code is repealed.

SEC. 2. A new Chapter 2.5 (commencing with Section 730) is added to Part 1 of Division 2 of the Civil Code, to read:

CHAPTER 2.5. PRINCIPAL AND INCOME LAW

730. This chapter may be cited as the Revised Uniform Principal and Income Act.

730a. Nothing in this chapter shall affect the provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law.

730.01. As used in this chapter:

(1) "Income beneficiary" means the person to whom income is presently payable or for whom it is accumulated for distribution as income;

(2) "Inventory value" means the cost of property purchased by the trustee and the market value of other property at the time it became subject to the trust, but in the case of a testamentary trust the trustee may use any value finally determined for the purposes of an estate or inheritance tax;

(3) "Remainderman" means the person entitled to principal, including income which has been accumulated and added to principal;

(4) "Trustee" means an original trustee and any successor or added trustee.

730.02. (a) A trust shall be administered with due regard to the respective interests of income beneficiaries and remaindermen. A trust is so administered with respect to the allocation of receipts and expenditures if a receipt is credited or an expenditure is charged to income or principal or partly to each—

(1) In accordance with the terms of the trust instrument, notwithstanding contrary provisions of this chapter;

(2) In the absence of any contrary terms of the trust instrument, in accordance with the provisions of this chapter; or

(3) If neither of the preceding rules of administration is applicable, in accordance with what is reasonable and equitable in view of the interests of those entitled to income as well as of those entitled to principal, and in view of the man-

ner in which men of ordinary prudence, discretion and judgment would act in the management of their own affairs.

(b) If the trust instrument gives the trustee discretion in crediting a receipt or charging an expenditure to income or principal or partly to each, no inference of imprudence or partiality arises from the fact that the trustee has made an allocation contrary to a provision of this chapter.

730.03. (a) Income is the return in money or property derived from the use of principal, including return received as

(1) Rent of real or personal property, including sums received for cancellation or renewal of a lease;

(2) Interest on money lent, including sums received as consideration for the privilege of prepayment of principal except as provided in Section 730.07 on bond premium and bond discount;

(3) Income earned during administration of a decedent's estate as provided in Section 730.05;

(4) Corporate distributions as provided in Section 730.06;

(5) Accrued increment on bonds or other obligations issued at discount as provided in Section 730.07;

(6) Receipts from business and farming operations as provided in Section 730.08;

(7) Receipts from disposition of natural resources as provided in Sections 730.09 and 730.10;

(8) Receipts from other principal subject to depletion as provided in Section 730.11;

(9) Receipts from disposition of underproductive property as provided in Section 730.12;

(b) Principal is the property which has been set aside by the owner or the person legally empowered so that it is held in trust eventually to be delivered to a remainderman while the return or use of the principal is in the meantime taken or received by or held for accumulation for an income beneficiary. Principal includes

(1) Consideration received by the trustee on the sale or other transfer of principal or on repayment of a loan or as a refund or replacement or change in the form of principal;

(2) Proceeds of property taken on eminent domain proceedings;

(3) Proceeds of insurance upon property forming part of the principal except proceeds of insurance upon a separate interest of an income beneficiary;

(4) Stock dividends, receipts on liquidation of a corporation, and other corporate distributions as provided in Section 730.06;

(5) Receipts from the disposition of corporate securities as provided in Section 730.07;

(6) Royalties and other receipts from disposition of natural resources as provided in Sections 730.09 and 730.10;

(7) Receipts from other principal subject to depletion as provided in Section 730.11;

(8) Any profit resulting from any change in the form of principal except as provided in Section 730.12 on underproductive property;

(9) Receipts from disposition of underproductive property as provided in Section 730.12;

(10) Any allowances for depreciation established under Section 730.08 and subdivision (a)(2) of Section 730.13.

(c) After determining income and principal in accordance with the terms of the trust instrument or of this act, the trustee shall charge to income or principal expenses and other charges as provided in Section 730.13.

730.04. (a) An income beneficiary is entitled to income from the date specified in the trust instrument, or, if none is specified, from the date an asset becomes subject to the trust. In the case of an asset becoming subject to a trust by reason of a will, it becomes subject to the trust as of the date of the death of the testator even though there is an intervening period of administration of the testator's estate.

(b) Upon an asset becoming subject to a trust by reason of a will,

(1) Receipts due but not paid at the date of death of the testator are principal;

(2) Receipts in the form of periodic payments not due at the date of the death of the testator (other than rents, annuities, interest on bank savings accounts, interest on savings and loan association accounts and corporate distributions to stockholders) shall be treated as accruing from day to day. That portion of the receipt accruing before the date of death is principal, and the balance is income.

(c) In all other cases, any receipt from an income-producing asset is income even though the receipt was earned or accrued in whole or in part before the date when the asset became subject to the trust.

(d) Whenever an income beneficiary's right to income shall cease by death, or in any other manner, all payments theretofore actually paid to the income beneficiary or in the hands of the trustee for payment to the income beneficiary shall belong to the income beneficiary or to his personal representative; all income actually received by the trustee after such termination shall be paid to the person next entitled to income by the terms of the trust.

(e) Corporate distributions to stockholders shall be treated as due on the day fixed by the corporation for determination of stockholders of record entitled to distribution or, if no date is fixed, on the date of declaration of the distribution by the corporation.

730.05. (a) Unless the will otherwise provides, income from the assets of a decedent's estate after the death of the testator and before distribution, including income from property used to discharge liabilities, shall be distributed in the manner set forth in Chapter 8 (commencing with Section 160), Division 1, of the Probate Code.

(b) Income received by a trustee under subdivision (a) shall be treated as income of the trust.

730.06. (a) Corporate distributions of shares of the distributing corporation, including distributions in the form of a stock split or stock dividend, are principal. A right to subscribe to shares or other securities issued by the distributing corporation accruing to stockholders on account of their stock ownership and the proceeds of any sale of the right are principal.

(b) Except to the extent that the corporation indicates that some part of a corporate distribution is a settlement of preferred or guaranteed dividends accrued since the trustee became a stockholder or is in lieu of an ordinary cash dividend, a corporate distribution is principal if the distribution is pursuant to

(1) A call of shares;

(2) A merger, consolidation, reorganization, or other plan by which assets of the corporation are acquired by another corporation; or

(3) A total or partial liquidation of the corporation, including any distribution which the corporation indicates is a distribution in total or partial liquidation or any distribution of assets, other than cash, pursuant to a court decree or final administrative order by a government agency ordering distribution of the particular assets.

(c) Distributions made from ordinary income by a regulated investment company or by a trust qualifying and electing to be taxed under federal law as a real estate investment trust are income. All other distributions made by the company or trust, including distributions from capital gains, depreciation, or depletion, whether in the form of cash or an option to take new stock or cash or an option to purchase additional shares, are principal.

(d) Except as provided in subdivisions (a), (b), and (c), all corporate distributions are income, including cash dividends, distributions of or rights to subscribe to shares or securities or obligations of corporations other than the distributing corporation, and the proceeds of the rights or property distributions. Except as provided in subdivisions (b) and (c), if the distributing corporation gives a stockholder an option to receive a distribution either in cash or in its own shares, the distribution chosen is income.

(e) The trustee may rely upon any statement of the distributing corporation as to any fact relevant under any provision of this chapter concerning the source or character of dividends or distributions of corporate assets.

730.07. (a) Bonds or other obligations for the payment of money are principal at their inventory value, except as provided in subdivision (b) for discount bonds. No provision shall be made for amortization of bond premiums or for accumulation for discount. The proceeds of sale, redemption, or other disposition of the bonds or obligations are principal.

(b) The increment in value of a bond or other obligation for the payment of money payable at a future time in accordance with a fixed schedule of appreciation in excess of the price at which it was issued is distributable as income. The increment in value is distributable to the beneficiary who was the income beneficiary at the time of increment from the first principal cash available or, if none is available, when realized by sale, redemption, or other disposition. Whenever unrealized increment is distributed as income but out of principal, the principal shall be reimbursed for the increment when realized.

730.08. (a) If a trustee uses any part of the principal in the continuance of a business of which the settlor was a sole proprietor or a partner, the net profits of the business, computed in accordance with generally accepted accounting principles for a comparable business, are income. If a loss results in any fiscal or calendar year, the loss falls on principal and shall not be carried into any other fiscal or calendar year for purposes of calculating net income.

(b) Generally accepted accounting principles shall be used to determine income from an agricultural or farming operation, including the raising of animals or the operation of a nursery.

730.09. (a) If any part of the principal consists of a right to receive royalties, overriding or limited royalties, working interests, production payments, net profit interests, or other interests in minerals or other natural resources in, on, or under land, the receipts from taking the natural resources from the land shall be allocated as follows:

(1) If received as rent on a lease or extension payments on a lease, the receipts are income.

(2) If received from a production payment, the receipts are income to the extent of any factor for interest or its equivalent provided in the governing instrument. There shall be allocated to principal the fraction of the balance of the receipts which the unrecovered cost of the production payment bears to the balance owed on the production payment, exclusive of any factor for interest or its equivalent. The receipts not allocated to principal are income.

(3) If received as a royalty, overriding or limited royalty, or bonus, or from a working, net profit, or any other interest in minerals or other natural resources, receipts not provided for in the preceding paragraphs of this section shall be apportioned on a yearly basis in accordance with this paragraph whether or not any natural resource was being taken from the land at the time the trust was established. The receipts shall be allocated entirely to income or apportioned between income and principal as the trustee in his absolute discretion may determine, but in no event shall more than 27½ percent of the gross receipts (but not to exceed 50 percent of the net receipts remaining after payment of expenses, direct and indirect, computed without allowance for depletion) be added to principal as an allowance for depletion.

(b) This section does not apply to timber, water, soil, sod, dirt, turf, or mosses.

730.10. If any part of the principal consists of land from which merchantable timber may be removed, the receipts from taking the timber from the land shall be allocated entirely to income or apportioned between income and principal as the trustee in his absolute discretion may determine, but in no event shall the amount allocated to principal exceed a reasonable allowance for depletion.

730.11. If the principal consists of property subject to depletion (other than property subject to Section 730.09 or Section 730.10), including, when subject to depletion or amortization, leaseholds, patents, copyrights, royalty rights, and rights to receive payments on a contract for deferred compensation, receipts from the property shall be allocated entirely to income, or apportioned between income and principal as the trustee in its absolute discretion may determine, but in no event shall the amount allocated to principal exceed a reasonable allowance for depletion or amortization.

730.12. (a) Except as otherwise provided in this section, a portion of the net proceeds of sale of any part of principal which has not produced an average net income of at least 1 percent per year of its inventory value for more than a year (including as income the value of any beneficial use of the property by the income beneficiary) shall be treated as delayed income to which the income beneficiary is entitled as provided in this section. The net proceeds of sale are the gross proceeds received, including the value of any property received in substitution for the property disposed of, less the expenses, including capital gains tax, if any, incurred in disposition and less any carrying charges paid while the property was underproductive.

(b) The sum allocated as delayed income is the difference between the net proceeds and the amount which, had it been invested at simple interest at 5 percent per year while the property was underproductive, would have produced the net proceeds. This sum, plus any carrying charges and expenses previously charged against income while the property was underproductive, less any income received by the income beneficiary from the property and less the value of any beneficial use of the property by the income beneficiary, is income, and the balance is principal.

(c) If principal subject to this section is disposed of by conversion into property which cannot be apportioned easily, including land or mortgages (for example, realty acquired by or in lieu of foreclosure), the income beneficiary is entitled to the net income from any property or obligation into which the original principal is converted while the substituted property or obligation is held. If within five years after the conversion the substituted property has not been further converted into easily apportionable property, no allocation as provided in this section shall be made.

730.13. (a) The following charges shall be made against income:

(1) Ordinary expenses incurred in connection with the administration, management, or preservation of the trust property, including regularly recurring taxes assessed against any portion of the principal, water rates, premiums on insurance taken upon the interests of the income beneficiary, remainderman, or trustee, interest paid by the trustee, and ordinary repairs;

(2) The trustee in his absolute discretion may make a reasonable allowance for depreciation on property subject to depreciation under generally accepted accounting principles, but no allowance shall be made for depreciation of that portion of any real property used by a beneficiary as a residence

(3) One-half of court costs, attorney's fees, and other fees on periodic judicial accounting, unless the court directs otherwise;

(4) Court costs, attorney's fees, and other fees on other accountings or judicial proceedings if the matter primarily concerns the income interest, unless the court directs otherwise;

(5) One-half of the trustee's regular compensation, whether based on a percentage of principal or income, and all expenses reasonably incurred for current management of principal and application of income;

(6) Any tax levied upon receipts defined as income under this act or the trust instrument and payable by the trustee.

(b) If charges against income are of unusual amount, the trustee may by means of reserves or other reasonable means charge them over a reasonable period of time and withhold from distribution sufficient sums to regularize distributions.

(c) The following charges shall be made against principal:

(1) Trustee's compensation not chargeable to income under subdivisions (a)(4) and (a)(5), special compensation of trustees, expenses reasonably incurred in connection with principal, court costs and attorney's fees primarily concerning matters of principal, and trustee's compensation computed on principal as an acceptance, distribution, or termination fee;

(2) Charges not provided for in subdivision (a), including the cost of investing and reinvesting principal, the payments on principal of an indebtedness (including a mortgage amortized by periodic payments of principal), expenses for preparation of property for rental or sale, and, unless the court directs otherwise, expenses incurred in maintaining or defending any action to construe the trust or protect it or the property to assure the title of any trust property;

(3) Extraordinary repairs or expenses incurred in making a capital improvement to principal, including special assessments, but a trustee may establish an allowance for depreciation out of income to the extent permitted by subdivision (a)(2) and by Section 730.08.

(4) Any tax levied upon profit, gain, or other receipts allocated to principal notwithstanding denomination of the tax as an income tax by the taxing authority;

(5) If an estate or inheritance tax is levied in respect of a trust in which both an income beneficiary and a remainderman have an interest, any amount apportioned to the trust, including penalties, even though the income beneficiary also has rights in the principal.

(d) Regularly recurring charges payable from income shall be apportioned to the same extent and in the same manner that income is apportioned under Section 730.04.

730.14. The trustee of any trust created by any will or other instrument shall not be required to set aside a reserve or allowance from trust income for depreciation or depletion of, or to amortize any property held in such trust unless the instrument expressly requires such a reserve or allowance. Nothing in this chapter shall prevent a trustee in his absolute discretion from establishing such reserve or allowance, or from continuing any previous practice of maintaining such reserve or allowance; provided, the provisions of subdivision (a)(2) of Section 730.13 as to property used as a residence by a beneficiary and the provisions of Sections 730.09, 730.10 and 730.11 and subdivision (a)(2) of Section 730.13 as to the amount of such allowance or reserve, if established, shall apply prospectively from the operative date of this chapter. This section applies to any trust created by a will or instrument executed before, as well as any trust created by a will or instrument executed after, the operative date of this chapter.

730.15. Except as specifically provided in the trust instrument or the will or in this chapter, this chapter shall apply to any receipt or expense received or incurred after the operative date of this chapter as added at the 1967 Regular Session of the Legislature by any trust whether established before or after such operative date and whether the asset involved was acquired by the trustee before or after such operative date.

730.16. This chapter shall become operative on July 1, 1968.

730.17. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions of applications of the chapter which can be given effect without the invalid provision or application and to this end the provisions of this chapter are severable.

SEC. 3. Section 1 of this act shall become operative on July 1, 1968.

CHAPTER 1509

An act to amend Section 7551 of the Business and Professions Code, and to amend Sections 591 and 620 of, to add Chapter 1.5 (commencing with Section 630) to Title 15 of Part 1 of, and to repeal Sections 619, 621, 640, 653h, 653i, and 653j of, the Penal Code, relating to invasion of privacy.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing with Section 630) is added to Title 15 of Part 1 of the Penal Code, to read:

CHAPTER 1.5. INVASION OF PRIVACY

630. The Legislature hereby declares that advances in science and technology have led to the development of new devices and techniques for the purpose of eavesdropping upon private communications and that the invasion of privacy resulting from the continual and increasing use of such devices and techniques has created a serious threat to the free exercise of personal liberties and cannot be tolerated in a free and civilized society.

The Legislature by this chapter intends to protect the right of privacy of the people of this state.

The Legislature recognizes that law enforcement agencies have a legitimate need to employ modern listening devices and techniques in the investigation of criminal conduct and the apprehension of lawbreakers. Therefore, it is not the intent of the Legislature to place greater restraints on the use of listening devices and techniques by law enforcement agencies than existed prior to the effective date of this chapter.

631. (a) Any person who, by means of any machine, instrument, or contrivance, or in any other manner, intentionally taps, or makes any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any telegraph or telephone wire, line, cable, or instrument, including the wire, line, cable, or instrument of any internal telephonic communication system, or who willfully and without the consent of all parties to the communication, or in any unauthorized manner, reads, or attempts to read, or to learn the contents or meaning of any message, report, or communication while the same is in transit or passing over any such wire, line, or cable, or is being sent from, or received at any place within this state; or who uses, or attempts to use, in any manner, or for any purpose, or to communicate in any way, any information so obtained, or who aids, agrees with, employs, or conspires with any person or persons to unlawfully do, or permit, or cause to be done any of the acts or things

mentioned above in this section, is punishable by a fine not exceeding two thousand five hundred dollars ($2,500), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison not exceeding three years, or by both such fine and imprisonment in the county jail or in the state prison. If such person has previously been convicted of a violation of this section or Section 632 or 636, he is punishable by fine not exceeding ten thousand dollars ($10,000), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison not exceeding five years, or by both such fine and imprisonment in the county jail or in the state prison.

(b) This section shall not apply (1) to any public utility engaged in the business of providing communications services and facilities, or to the officers, employees or agents thereof, where the acts otherwise prohibited herein are for the purpose of construction, maintenance, conduct or operation of the services and facilities of such public utility, or (2) to the use of any instrument, equipment, facility, or service furnished and used pursuant to the tariffs of such a public utility, or (3) to any telephonic communication system used for communication exclusively within a state, county, city and county, or city correctional facility.

(c) Except as proof in an action or prosecution for violation of this section, no evidence obtained in violation of this section shall be admissible in any judicial, administrative, legislative or other proceeding.

632. (a) Every person who, intentionally and without the consent of all parties to a confidential communication, by means of any electronic amplifying or recording device, eavesdrops upon or records such confidential communication, whether such communication is carried on among such parties in the presence of one another or by means of a telegraph, telephone or other device, except a radio, shall be punishable by fine not exceeding two thousand five hundred dollars ($2,500), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison not exceeding three years, or by both such fine and imprisonment in the county jail or in the state prison If such person has previously been convicted of a violation of this section or Section 631 or 636, he is punishable by fine not exceeding ten thousand dollars ($10,000), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison not exceeding five years, or by both such fine and imprisonment in the county jail or in the state prison.

(b) The term "person" includes an individual, business association, partnership, corporation, or other legal entity, and an individual acting or purporting to act for or on behalf of any government or subdivision thereof, whether federal, state, or local, but excludes an individual known by all parties to a confidential communication to be overhearing or recording such communication.

(c) The term "confidential communication" includes any communication carried on in such circumstances as may reasonably indicate that any party to such communication desires it to be confined to such parties, but excludes a communication made in a public gathering or in any legislative, judicial, executive or administrative proceeding open to the public, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded.

(d) Except as proof in an action or prosecution for violation of this section, no evidence obtained as a result of eavesdropping upon or recording a confidential communication in violation of this section shall be admissible in any judicial, administrative, legislative or other proceeding.

(e) This section shall not apply (1) to any public utility engaged in the business of providing communications services and facilities, or to the officers, employees or agents thereof, where the acts otherwise prohibited herein are for the purpose of construction, maintenance, conduct or operation of the services and facilities of such public utility, or (2) to the use of any instrument, equipment, facility, or service furnished and used pursuant to the tariffs of such a public utility, or (3) to any telephonic communication system used for communication exclusively within a state, county, city and county, or city correctional facility.

(f) This section does not apply to the use of hearing aids and similar devices, by persons afflicted with impaired hearing, for the purpose of overcoming the impairment to permit the hearing of sounds ordinarily audible to the human ear.

633. Nothing in Section 631 or 632 shall be construed as prohibiting the Attorney General, any district attorney, or any assistant, deputy, or investigator of the Attorney General or any district attorney, or any officer of the California Highway Patrol, or any chief of police, assistant chief of police, or policeman of a city or city and county, or any sheriff, undersheriff, or deputy sheriff regularly employed and paid as such of a county, or any person acting pursuant to the direction of one of the above-named law enforcement officers acting within the scope of his authority, from overhearing or recording any communication which they could lawfully overhear or record prior to the effective date of this chapter.

Nothing in Section 631 or 632 shall be construed as rendering inadmissible any evidence obtained by the above-named persons by means of overhearing or recording any communication which they could lawfully overhear or record prior to the effective date of this chapter.

633.5. Nothing in Section 631 or 632 shall be construed as prohibiting one party to a confidential communication from recording such communication for the purpose of obtaining evidence reasonably believed to relate to the commission by another party to such communication of the crime of extortion,

kidnapping, bribery, any felony involving violence against the person, or a violation of Section 653m, and nothing in Section 631 or 632 shall be construed as rendering inadmissible in a prosecution for extortion, kidnapping, bribery, any felony involving violence against the person, or a violation of Section 653m, or any crime in connection therewith, any evidence so obtained.

634. Any person who trespasses on property for the purpose of committing any act, or attempting to commit any act, in violation of Section 631, 632 or 636 shall be punishable by fine not exceeding two thousand five hundred dollars ($2,500), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison not exceeding three years, or by both such fine and imprisonment in the county jail or in the state prison. If such person has previously been convicted of a violation of this section or Section 631, 632 or 636, he is punishable by fine not exceeding ten thousand dollars ($10,000), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison not exceeding five years, or by both such fine and imprisonment in the county jail or in the state prison.

635. (a) Every person who manufactures, assembles, sells, offers for sale, advertises for sale, possesses, transports, imports, or furnishes to another any device which is primarily or exclusively designed or intended for eavesdropping upon the communication of another is punishable by fine not exceeding two thousand five hundred dollars ($2,500), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison not exceeding three years, or by both such fine and imprisonment in the county jail or in the state prison. If such person has previously been convicted of a violation of this section, he is punishable by a fine not exceeding ten thousand dollars ($10,000), or by imprisonment in the county jail not exceeding one year, or by imprisonment in the state prison not exceeding five years, or by both such fine and imprisonment in the county jail or in the state prison.

(b) This section shall not apply to

(1) An act otherwise prohibited herein when performed by (i) a communication utility or an officer, employee or agent thereof for the purpose of construction, maintenance, conduct or operation of, or otherwise incident to the use of, the services or facilities of the utility, or (ii) a state, county or municipal law enforcement agency or an agency of the federal government, or (iii) a person engaged in selling such devices for use by, or resale to, agencies of a foreign government under terms approved by the federal government, communication utilities, state, county or municipal law enforcement agencies, or agencies of the federal government, or

(2) Possession by a subscriber to communication utility service of such a device furnished by such utility pursuant to its tariffs.

636. Every person, who, without permission from all parties to the conversation, eavesdrops on or records by means of an electronic or other device, a conversation, or any portion thereof, between a person who is in the physical custody of a law enforcement officer or other public officer, or who is on the property of a law enforcement agency or other public agency, and such person's attorney, religious advisor, or licensed physician, is guilty of a felony; provided, however, the provisions of this section shall not apply to any employee of a public utility engaged in the business of providing service and facilities for telephone or telegraph communications while engaged in the construction, maintenance, conduct or operation of the service or facilities of such public utility who listens in to such conversations for the limited purpose of testing or servicing such equipment.

637. Every person not a party to a telegraphic or telephonic communication who willfully discloses the contents of a telegraphic or telephonic message, or any part thereof, addressed to another person, without the permission of such person, unless directed so to do by the lawful order of a court, is punishable by imprisonment in the state prison not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding five thousand dollars ($5,000), or by both fine and imprisonment.

637.1. Every person not connected with any telegraph or telephone office who, without the authority or consent of the person to whom the same may be directed, willfully opens any sealed envelope enclosing a telegraphic or telephonic message, addressed to another person, with the purpose of learning the contents of such message, or who fraudulently represents another person and thereby procures to be delivered to himself any telegraphic or telephonic message addressed to such other person, with the intent to use, destroy, or detain the same from the person entitled to receive such message, is punishable as provided in Section 637.

637.2. (a) Any person who has been injured by a violation of this chapter may bring an action against the person who committed the violation for the greater of the following amounts:

(1) Three thousand dollars ($3,000).

(2) Three times the amount of actual damages, if any, sustained by the plaintiff.

(b) Any person may, in accordance with the provisions of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, bring an action to enjoin and restrain any violation of this chapter, and may in the same action seek damages as provided by subdivision (a).

(c) It is not a necessary prerequisite to an action pursuant to this section that the plaintiff has suffered, or be threatened with, actual damages.

SEC. 2. Section 591 of the Penal Code is amended to read:

591. A person who unlawfully and maliciously takes down, removes, injures or obstructs any line of telegraph or telephone, or any other line used to conduct electricity, or any part thereof, or appurtenances or apparatus connected therewith, or severs any wire thereof, or makes any unauthorized connection with any line, other than a telegraph or telephone line, used to conduct electricity, or any part thereof, or appurtenances or apparatus connected therewith, is punishable by imprisonment in the state prison not exceeding five years, or by a fine not exceeding five hundred dollars ($500), or imprisonment in the county jail not exceeding one year.

SEC. 3. Section 619 of the Penal Code is repealed.

SEC. 4. Section 620 of the Penal Code is amended to read:

620. Every person who willfully alters the purport, effect, or meaning of a telegraphic or telephonic message to the injury of another, is punishable by imprisonment in the state prison not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment.

SEC. 5. Section 621 of the Penal Code is repealed.

SEC. 6. Section 640 of the Penal Code is repealed.

SEC. 7. Section 653h of the Penal Code is repealed.

SEC. 8. Section 653i of the Penal Code is repealed.

SEC. 9. Section 653j of the Penal Code is repealed.

SEC. 10. Section 7551 of the Business and Professions Code is amended to read:

7551. The director may suspend or revoke a license issued under this chapter if he determines that the licensee or his manager, if an individual, or if the licensee is a person other than an individual, that any of its officers, directors, partners, or its manager, has:

(a) Made any false statement or given any false information in connection with an application for a license or a renewal or reinstatement of a license.

(b) Violated any provisions of this chapter.

(c) Violated any rule of the director adopted pursuant to the authority contained in this chapter.

(d) Been convicted of a felony or any crime involving moral turpitude or illegally using, carrying, or possessing a dangerous weapon.

(e) Impersonated, or permitted or aided and abetted an employee to impersonate a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof.

(f) Committed or permitted any employee to commit any act, while the license was expired which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license.

(g) Willfully failed or refused to render to a client services or a report as agreed between the parties and for which com-

pensation has been paid or tendered in accordance with the agreement of the parties.

(h) Committed assault, battery, or kidnapping, or used force or violence on any person, without proper justification.

(i) Knowingly violated, or advised, encouraged, or assisted the violation of any court order or injunction in the course of business as a licensee.

(j) Acted as a runner or capper for any attorney.

(k) Been convicted of a violation of Section 148 of the Penal Code.

(*l*) Committed any act which is a ground for denial of an application for license under this chapter.

(m) Committed any act prohibited by Chapter 1.5 (commencing with Section 630) of Title 15 of Part 1 of the Penal Code.

SEC. 11. Section 7551 of the Business and Professions Code is amended to read:

7551. The board may suspend or revoke a license issued under this chapter if it determines that the licensee or his manager, if an individual, or if the licensee is a person other than an individual, that any of its officers, directors, partners, or its manager, has:

(a) Made any false statement or given any false information in connection with an application for a license or a renewal or reinstatement of a license.

(b) Violated any provisions of this chapter.

(c) Violated any rule of the board adopted pursuant to the authority contained in this chapter.

(d) Been convicted of a felony or any crime involving moral turpitude or illegally using, carrying, or possessing a dangerous weapon.

(e) Impersonated, or permitted or aided and abetted an employee to impersonate a law enforcement officer or employee of the United States of America, or of any state or political subdivision thereof.

(f) Committed or permitted any employee to commit any act, while the license was expired which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license.

(g) Willfully failed or refused to render to a client services or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties.

(h) Committed assault, battery, or kidnapping, or used force or violence on any person, without proper justification.

(i) Knowingly violated, or advised, encouraged, or assisted the violation of any court order or injunction in the course of business as a licensee.

(j) Acted as a runner or capper for any attorney.

(k) Been convicted of a violation of Section 148 of the Penal Code.

(*l*) Committed any act which is a ground for denial of an application for license under this chapter.

(m) Committed any act prohibited by Chapter 1.5 (commencing with Section 630) of Title 15 of Part 1 of the Penal Code.

SEC. 12. Section 11 of this act shall become operative only if Senate Bill No. 52 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 52 takes effect; at which time Section 10 of this act is repealed.

CHAPTER 1510

An act to add Sections 20205.2, 20205.3 20206, and 20206.5 to the Government Code, relating to investment of the State Employees' Retirement Fund.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 20205.2 is added to the Government Code, to read:

20205.2. In addition to such other investments as are authorized by this article, the board may in its discretion under the advice of proper counsel invest the assets of the retirement fund in an amount, determined on the basis of cost, not to exceed 10 percent of the assets in the first two years after the effective date of this section, not to exceed 15 percent during the third year after the effective date of this section, and not to exceed 25 percent thereafter, in common stock or shares, and not to exceed 2 percent of the assets in the first year after the effective date of this section, not to exceed 3 percent during the second year after the effective date of this section, and not to exceed 5 percent thereafter, in preferred stock or shares, of corporations created or existing under the laws of the United States, or any state, district, or territory thereof; provided that

(a) Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended. Such registration shall not be required with respect to the following stocks:

(1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars ($50,000,000);

(2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars ($50,000,000);

(3) Any preferred stock.

(b) Such corporation has total assets of at least one hundred million dollars ($100,000,000);

(c) Bonds of such a corporation, if any are outstanding, qualify for investment of the Retirement Fund, and that there are no arrears of dividend payments on its preferred stock;

(d) Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last three years;

(e) Such investment in any one company may not exceed 5 percent of the common shares outstanding; and

(f) No single common stock investment, based on cost, may exceed 2 percent of the assets of the fund.

SEC. 1.5. Section 20205.3 is added to the Government Code, to read:

20205.3. The board may also invest in any stocks or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars ($50,000,000); except that the total investment in such stocks and shares, together with stocks and shares of all other corporations, may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

SEC. 2. Section 20206 is added to the Government Code, to read:

20206. The board shall employ investment counsel or trust companies or trust departments of banks to render service in connection with the board's investment program.

SEC. 3. Section 20206.5 is added to the Government Code, to read:

20206.5. The annual report of the board required under Section 20232 of this part shall include a description of all securities held and a comprehensive report of transactions involving the investment of the retirement fund similar to that required of a life insurance company licensed to do business in California.

The annual report shall also include a detailed statement of the expenses of operating the retirement fund, including compensation paid, fees paid, operating ratios, and net profit and loss statements, including the acquisition cost, the book value, and market value of the total fund as of the date of the report.

In the matter of commission fees and other fees paid to persons not employed by the state for services in connection with investments under this article, the names of those persons to whom such fees are paid and the amounts paid shall be clearly identified in the report.

SEC. 4. In order that the intent of the Legislature may be made clear to the board, with respect to investments as provided by this act, but without restricting the necessary

flexibility that must exist for successful investing of the retirement fund, the Legislature makes this declaration of its desire that the board shall give primary consideration to dealing with counseling and brokerage firms which maintain offices and staffs in the State of California so that the investment program may make a meaningful contribution to the economy of the state. It is further the desire of the Legislature that the retirement fund should be used as much as reasonably possible to benefit and expand the business and economic climate within the State of California, so long as such use would be consistent with sound investment policy.

CHAPTER 1511

An act to amend Sections 20, 21, 22, 26, 28, 29, 55, 57, 58, 59, 61, 63, 64, 65, 68, 106, 161, and 162 of, to add Article 10.5 (commencing with Section 167.1) to, and to repeal Sections 27 and 60 of, the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session), and to amend Section 100 of Chapter 29 of the Statutes of 1967, relating to the Estero Municipal Improvement District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 20 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 20. "Voter," except as otherwise provided herein, means an owner, or the officer appointed therefor by the board of directors of a corporation owner, or the legal representative of the owner.

SEC. 1.5. Section 21 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 21. "Officers of election," other than officers provided for elections conducted pursuant to the Uniform District Election Law, consist of an inspector and two judges. They shall be persons appointed by the board of directors and need not be voters.

SEC. 2. Section 22 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 22. In the application to the district of laws, the procedure of which is made applicable to proceedings of the district, terms used in those laws shall have the following meanings:

(a) "City council," "council" and "legislative body" mean board.

(b) "City," "municipality" and "local agency" mean district.

(c) "Clerk" and "city clerk" mean the secretary of the district.

(d) "Superintendent of streets," "street superintendent" and "city engineer" mean the engineer of the district or other person appointed to perform such duties, to be called district engineer.

(e) "Tax collector" means the tax collector of the district.

(f) "Treasurer" and "city treasurer" mean the county treasurer or district finance officer.

(g) "Auditor" means the county controller or district finance officer.

(h) "Budget Law" means Chapter 1 (commencing at Section 29000) of Division 3 of Title 3 of the Government Code.

(i) "Uniform District Election Law" means Part 3 (commencing with Section 23500) of Division 12 of the Elections Code.

SEC. 3. Section 26 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 26. The board is the governing body of the district and, commencing with the last Friday in December, 1967, shall consist of five (5) members, one of whom shall be president. The officers of the district are the five members of the board and a secretary. The district may have a finance officer, and other officers as the board may from time to time create.

SEC. 4. Section 27 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 5. Section 28 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 28. Except as otherwise provided in this section, two directors shall be owners or officers or legal representatives of owners, two shall be registered voters resident within the district, and one shall be a public member designated and appointed by the county board of supervisors. The term of the public member commencing in March, 1968, shall expire on the last Friday of December, 1969, and succeeding terms shall thereafter be filled by nomination and election or appointment pursuant to the Uniform District Election Law by registered voters resident within the district.

Landowner-directors shall be nominated and shall be elected or appointed pursuant to Article 4 (commencing with Section 55) of this act at elections to be held on the fourth Tuesday in March of 1968 and 1970. The terms of the directors elected or appointed at such times shall run until the last Friday in December, 1971. Thereafter, said offices shall be filled by nomination and election or appointment pursuant to the Uniform District Election Law by registered voters resident within the district.

A general district election shall be held on the first Tuesday after the first Monday in November, 1967, pursuant to the Uniform District Election Law for the purpose of filling two offices of director. Such offices shall be filled by and voted upon by registered voters resident within the district and qualified to vote on said date. The two candidates receiving the highest number of votes shall be deemed elected, the one with the highest votes to serve for four years and the one with the next highest number of votes to serve for two years. All subsequent terms of office filled pursuant to the Uniform District Election Law shall be for four years.

Commencing with the election to be held on the first Tuesday after the first Monday in November, 1971, no person shall be qualified to be elected or appointed to the office of director nor to vote at any district election who is not a registered voter resident within the district.

SEC. 6. Section 29 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 29. Except as otherwise provided in Section 28, the term of each director, after the first board, shall be four years, or until the election or appointment, and qualification of his successor.

SEC. 7. Section 55 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 55. A general district election, governed by the provisions of the Uniform District Election Law, shall be held on the first Tuesday after the first Monday in November of each odd-numbered year. A district election for the purpose of electing landowner-directors shall be held on the fourth Tuesday in March of 1968 and 1970.

SEC. 8. Section 57 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 57. The hours during which the polls shall be opened at any special district election shall be as established by the board.

SEC. 9. Section 58 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 58. Notices of special elections shall be given as nearly as practicable in accordance with the general laws regarding notices of municipal elections.

SEC. 10. Section 59 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 59. Nominations for the position of landowner-director shall be in writing, shall be signed by voters representing at least 10 percent of the assessed valuation of land in the district as shown by the last equalized assessment roll, shall be

filed with the secretary of the district, not more than 45 nor less than 25 days before the election.

SEC. 11. Section 60 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 12. Section 61 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 61. If on the 24th day prior to a landowner district election pursuant to this article, only one person has been nominated for each of the positions to be filled at that election, or no person has been nominated for any such office, or offices, an election shall not be held.

SEC. 14. Section 63 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 63. If, pursuant to Section 62, an election is not held, the Board of Supervisors of the County of San Mateo, at a meeting held prior to the day fixed for the election, shall appoint to the positions of directors those persons nominated, or, if no persons are nominated, any qualified persons, who shall qualify and serve as if elected at a general district election.

SEC. 15. Section 64 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 64. Except as herein otherwise provided, each voter shall have one vote for one dollar ($1) in assessed valuation of land owned by him as shown by the last equalized assessment roll.

SEC. 16. Section 65 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 65. A majority of the votes cast shall be required to approve a proposition.

SEC. 19. Section 68 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 68. Except as provided in this act a special election shall be conducted as nearly as practicable in accordance with the general laws for cities.

SEC. 19.1. Section 106 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 106. By resolution adopted by a four-fifths vote of all of its members, when in its judgment it is advisable, the board may call an election and submit to the voters of the district the question of whether bonds shall be issued.

SEC. 19.2. Section 161 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 161. Annually, at least fifteen (15) days before the first day of the month in which the board of supervisors is required by law to levy the amount of taxes required by law for county purposes, the board shall furnish to the board of supervisors a written statement of the following:

1. The amount necessary to pay the interest on bonds for that year, and the portion of the principal that is to become due before the time for making the next general tax levy. Said statement shall separately set forth the amounts required for each issue of bonds as defined in Section 122. If a zone or zones have been established pursuant to Article 10.5 (commencing with Section 167.1), the statement shall separately set forth the amounts required within each zone. The statement shall also state for each zone whether the tax base is to be land, land and improvements, or all taxable property.

2. The amount necessary to maintain, operate, extend, or repair any work or improvements of the district, and to defray all other expenses incidental to the exercise of any of the district powers or to pay any existing obligations of the district.

SEC 19 3 Section 162 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 162 Except as set forth in Article 10 5 (commencing with Section 167 1), the board of supervisors shall at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real and personal property in the district, based upon the last equalized assessment roll of the county, sufficient to pay the amounts set forth in the statement of the board. The aggregate taxes levied for any one fiscal year, other than those levied to pay the principal and interest on bonds, shall not exceed five dollars ($5) on each one hundred dollars ($100) of the assessed valuation of taxable real and personal property in the district.

SEC 19.4. Article 10.5 (commencing with Section 167.1) is added to the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session), to read:

Article 10.5. Zones

Sec. 167.1. From and after the effective date of this section, if, in the judgment of the board of directors, varying benefits are or will be derived by the different parcels of land lying within the district from the expenditure of bond proceeds for any one or more of the purposes authorized by Article 5 (commencing with Section 75), the district may be divided into a zone or zones according to such benefits. After the establishment of such a zone or zones, any tax levied to pay the principal of and interest on bonds heretofore or hereafter authorized to be issued by the voters of the district for such purposes may be levied and collected upon the taxable property within each zone in accordance with the percentage of

the sum to be raised each year in such zone by the levy and collection of said tax.

Sec. 167.2. The district may be divided into as many zones, up to the total number of parcels of land in the district, as may be deemed proper for each bond purpose, and each zone may be composed of and include all of the lands within the district which will be benefited in like measure for such purpose. A parcel of land may be included in as many zones as may be necessary in order to reflect the relative benefits derived by it from various bond issues.

Sec. 167.3. Before establishing any zones or changing a parcel of land from one zone to another, the board of directors shall by resolution direct the preparation of a report in writing by a qualified registered civil engineer employed by the district for the purpose. Such report shall be filed with the district secretary and shall contain:

(a) The percentages or other method of apportionment to be used to determine the amounts to be raised from the lands in each zone; and

(b) A map or plat of the district showing the parcels of land within the district existing at the time of the report, as nearly as may be, and designating each zone by a different letter or number and by separate boundaries, coloring or other convenient and graphic method, so that all persons interested may with accuracy ascertain within which zone any parcel of land is located. If deemed advisable, a separate map or plat may be prepared for each bond purpose for which zones are created or several purposes may be combined. Such map or plat shall also refer to the parcels of land by their respective county assessor's parcel numbers.

Sec. 167.4. When the report is filed, it shall be considered by the board of directors who may modify it in any respect. After passing upon the report, the board by resolution shall appoint a time and place for hearing protests to the proposed zone or zones and the method of allocation and shall direct the district secretary to give notice of the hearing by publication pursuant to Section 6062a of the Government Code in a newspaper of general circulation within the district. The hearing shall be held not less than 14 days after the passage of the resolution. The secretary shall also cause notice of the hearing to be posted conspicuously in at least three public places within the district. Such posting shall be completed at least 10 days before the date set for hearing protests.

Sec. 167.5. At least 10 days before the date set for hearing of protests, the secretary shall mail, postage prepaid, notice of the hearing to all persons owning taxable property proposed to be included within a zone whose names and addresses appear on the last equalized assessment roll for county taxes or who are known to the secretary. The failure of the secretary to mail the notice to any property owner or the failure of any property owner to receive the notice shall not affect the va-

lidity of any proceedings taken under this article. If property assessed by the state under Section 14 of Article XIII of the Constitution is proposed to be included within a zone, such notice shall be mailed to every owner of such property at the address thereof shown on the last board roll transmitted to the county auditor.

Sec. 167.6. Any interested person may object to the proposed zones or to the method of allocation by filing a written protest with the secretary at or before the time set for hearing. Such protest must contain a description of the property in which each signer thereof is interested sufficient to identify the same, and if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property or are obligated to pay the taxes thereon. The secretary shall endorse on each protest the date of its receipt, and at the time appointed for the hearing shall present to the board of directors all protests filed with him.

Sec. 167.7. At the time fixed for hearing, the board of directors shall consider the protests and either conform, modify or correct the zones and the method of apportionment. It shall thereafter by resolution order the establishment of the zones and declare its action upon the report. The resolution shall be final and conclusive as to all persons, and thereafter any levies required to be made for the payment of principal of and interest on bonds shall be made in accordance therewith and not on the present districtwide annual ad valorem basis.

Sec. 167.8. After the adoption of the resolution ordering the establishment of zones, a certified copy thereof, together with a certified copy of the report as confirmed, modified or corrected, shall be filed with the county assessor. The secretary shall also make such filings as may be required with the State Board of Equalization pursuant to Chapter 8 (commencing with Section 54900) of Part 1, Division 2, Title 5 of the Government Code. The filing with the county assessor required by this section shall be deemed a filing pursuant to said Chapter 8 and no further filings need be made.

Sec. 167.9. In the event that the board of directors may deem it advisable to divide an existing zone or to change or modify one or more zones, it shall order a report and hold hearings thereon in the same manner as provided for the establishment of zones by this article, but the report and the notice and hearing thereon shall be limited to the area and zones affected by the proposed changes From and after the approval of such changes as determined by the board of directors, and following the making of the filings required by Section 167.8, all subsequent tax levies shall be in accordance with such changes.

Sec. 167.10. If, in the judgment of the board of directors, at the time it makes a determination as provided in Section 167.1, as to bonds issued for purposes of reclamation; drain-

age of roads, streets and public places, including, but not limited to curbs, gutters, sidewalks, grading, paving; culverts, bridges, underpasses or viaducts; or street and highway lighting facilities, varying benefits will be more equitably apportioned among the several lots or parcels of land within a zone by the levy of taxes, to pay the principal and interest of said bonds, upon the taxable land and improvements or taxable land only within the zone, for a particular issue of bonds, it shall preliminarily so determine. In such event, the report prepared pursuant to Section 167.3 shall contain such information as will present the comparative difference between such tax base and the basis of all taxable property. The notices shall contain a statement of the preliminary determination and proposed action and the matter shall be heard and finally determined as provided in Sections 167.1 to 167.9, inclusive.

SEC. 19.6. Section 100 of Chapter 29 of the Statutes of 1967 is amended to read:

Sec. 100. This act, with the exception of Section 99, shall become operative on January 1, 1969. Section 99 shall become operative on the 61st day following the adjournment of the 1967 Regular Session. Sections 59.1 to 72, inclusive, of this act shall not become operative if Assembly Bill No. 984 is enacted by the Legislature at the 1967 Regular Session.

SEC. 19.7. Any litigation putting in issue the validity of, or the exercise of any express or implied powers granted by, the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session), or the validity of the creation of the Estero Municipal Improvement District or of any bonds issued or to be issued pursuant to that act, shall be set for trial at the earliest possible date and shall take precedence in the trial courts and the appellate courts of all other cases, except older matters of the same character, and matters to which special precedence may be given by law.

SEC. 20. Notwithstanding the provisions of the Uniform District Election Law, any director of the Estero Municipal Improvement District serving in office on the date of the November 1967 general district election shall serve out the term for which he was elected or appointed. Each director elected at the November 1967 general district election shall not qualify for the office to which he was elected until the term of his predecessor has expired, however the term of each director elected at the November 1967 election shall commence from and including the last Friday in December of 1967.

SEC. 21. This act is intended to implement the recommendations of the Assembly Interim Committee on Municipal and County Government as set forth in Volume 6, No. 24, of the committee report to the 1967 Legislature.

SEC. 22. 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 such necessity are:

In order to make certain that this act will become effective in time for the November 1967 General Election, and in order to avoid a drastic tax increase which would result from an inability to sell bonds to pay capitalized interest, issued pursuant to the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session), because of pending litigation, it is necessary that this act take effect immediately.

CHAPTER 1512

An act to repeal Article 5 (commencing with Section 1864) of Chapter 2 of Title 3 of Part 4 of, and Article 1 (commencing with Section 2080) of Chapter 4 of Title 6 of Part 4 of, and to add Article 1 (commencing with Section 2080) to Chapter 4 of Title 6 of Part 4 of, the Civil Code, and to amend Section 24002 of the Education Code, relating to lost property, and making an appropriation therefor.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing with Section 1864) of Chapter 2 of Title 3 of Part 4 of the Civil Code is repealed.

SEC. 2. Article 1 (commencing with Section 2080) of Chapter 4 of Title 6 of Part 4 of the Civil Code is repealed.

SEC. 3. Article 1 (commencing with Section 2080) is added to Chapter 4 of Title 6 of Part 4 of the Civil Code, to read:

Article 1. Lost Money and Goods

2080. Any person who finds a thing lost is not bound to take charge of it, but if he does so he is thenceforward a depositary for the owner, with the rights and obligations of a depositary for hire. Any person who finds and takes possession of any money, goods, things in action, or other personal property, or saves any domestic animal from drowning or starvation, shall, within a reasonable time, inform the owner, if known, and make restitution without compensation, except a reasonable charge for saving and taking care of the property.

2080.1 (a) If the owner is unknown or has not claimed the property, the person saving or finding the property shall, if such property is of the value of ten dollars ($10) or more, within a reasonable time turn the property over to the police department of the city or city and county, if found therein, or to the sheriff's department of the county if found outside

of city limits, and make an affidavit, stating when and where he found or saved the property, particularly describing it. If the property was saved, he shall state:

(1) From what and how it was saved.

(2) Whether the owner of the property is known to him.

(3) That he has not secreted, withheld, or disposed of any part of the property.

(b) The police department or the sheriff's department shall notify the owner, if his identity is reasonably ascertainable, that it possesses the property and where it may be claimed. The police department or sheriff's department may require payment by the owner of a reasonable charge to defray costs of storage and care of the property.

2080.2. If the owner appears within 90 days, after receipt of the property by the police department or sheriff's department, proves his ownership of the property, and pays all reasonable charges, the police department or sheriff's department shall restore the property to him.

2080.3. If no owner appears and proves his ownership of the property within 90 days, the police department or sheriff's department shall cause to be published at least once in a newspaper of general circulation notice of the found or saved property. If, after seven days following the first publication of the notice, no owner appears and proves his ownership of the property, then the title shall vest in the person who found or saved the property unless the property was found in the course of employment by an employee of any public agency in which case the property shall be sold at public auction.

2080.4. Notwithstanding the provisions of Section 2080.3 or Section 2080.6, the legislative body of any city, city and county, or county may provide by ordinance for the care, restitution, sale or destruction of unclaimed property in the possession of the police department of such city or city and county or of the sheriff of such county. Any city, city and county, or county adopting such an ordinance shall provide therein (1) that such unclaimed property except unclaimed bicycles, shall be held by the police department or sheriff for a period of at least four months, and that unclaimed bicycles shall be held for a period of at least three months, and (2) that thereafter such property will be sold at public auction to the highest bidder, with notice of such sale being given by the chief of police or sheriff at least five days before the time fixed therefor by publication once in a newspaper of general circulation published in the county, or that thereafter such property will be transferred to the local government purchasing and stores agency or other similar agency for sale to the public at public auction. If property is transferred to the local government purchasing and stores agency or other similar agency pursuant to this section, such property shall not be redeemable by the owner or other person entitled to possession.

2080.5. The police department or sheriff's department may sell such property by public auction, in the manner and

upon the notice of sale of personal property under execution, if it is a thing which is commonly the subject of sale, when the owner cannot, with reasonable diligence, be found, or, being found, refuses upon demand to pay the lawful charges provided by Sections 2080 and 2080.1, in the following cases:

(1) When the thing is in danger of perishing, or of losing the greater part of its value; or,

(2) When the lawful charges provided by Sections 2080 and 2080.1 amount to two-thirds of its value.

2080.6. Any public agency may elect to be governed by the provisions of this article with respect to disposition of personal property found or saved on property subject to its jurisdiction, or may adopt reasonable regulations for the care, restitution, sale or destruction of unclaimed property in its possession. Any public agency adopting such regulations shall provide therein (1) that such unclaimed property shall be held by such agency for a period of at least three months, (2) that thereafter such property will be sold at public auction to the highest bidder, and (3) that notice of such sale shall be given by the chief administrative officer of such agency at least five days before the time fixed therefor by publication once in a newspaper of general circulation published in the county in which such property was found. Any property remaining unsold after being offered at such public auction may be destroyed or otherwise disposed of by the public agency.

2080.7. The provisions of this article have no application to things which have been intentionally abandoned by their owner.

2080.8. The Regents of the University of California may provide by resolution or regulation for the care, restitution, sale or destruction of unclaimed property in the possession of the Regents of the University of California or of the University of California Police Department. Any resolution or regulation adopted pursuant to this section shall provide therein (1) that such unclaimed property shall be held by the Regents of the University of California or the University of California Police Department for a period of at least six months, (2) that thereafter such property will be sold at public auction to the highest bidder, and (3) that notice of such sale shall be given by the Regents of the University of California or the University of California Police Department at least five days before the time therefor by publication once in a newspaper of general circulation published in the county in which such property is held. The Regents of the University of California may dispose of any such property upon which no bid is made at any such sale.

2080.9. The Trustees of the California State Colleges may provide by resolution or regulation for the care, restitution, sale or destruction of unclaimed, lost or abandoned property in the possession of any state college. Any resolution or regulation adopted pursuant to this section shall include therein

(1) that such unclaimed or lost property shall be held by the particular state college for a period of at least six months, (2) that thereafter such property, as well as abandoned property, will be sold at public auction to the highest bidder, and (3) that notice of such sale shall be given by the Trustees of the California State Colleges at least five days before the time therefor by publication once in a newspaper of general circulation published in the county in which such property is held. The Trustees of the California State Colleges may dispose of any such property upon which no bid is made at any such sale.

SEC. 4. Section 24002 of the Education Code is amended to read:

24002. (a) All money received from the sale of publications pursuant to Section 23616, all money received under an agreement entered into pursuant to Section 23608 except recovery of contributions to the State Employees' Retirement Fund, and all money collected as fees from students in any state college and from other persons under Section 23604, Sections 23608 to 23612, inclusive, and Sections 23751, 23754, 23759, 23760, and 24000, and by reason of Section 2080.7 of the Civil Code, is hereby appropriated for the support of the California State Colleges in addition to such other amounts as may be appropriated therefor by the Legislature, and such money received under Section 24000, or received by reason of Section 2080.7 of the Civil Code, is appropriated without regard to fiscal year; provided, that money received by reason of Section 2080.7 of the Civil Code shall be used for student scholarships and loans pursuant to such regulations as the trustees shall provide, and while held pending the grant of a scholarship or loan, may be invested by the State Treasurer upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code, in which case all interest or other earnings received pursuant to such investment shall also be used for such scholarships and loans. Except as otherwise provided with respect to money received by reason of Section 2080.7 of the Civil Code, all money received pursuant to this section shall augment such support appropriation of the California State Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury

(b) All money received from the sale or the disposition of real property acquired by or on behalf of a particular state college by gift, devise, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquisition and improvement of real property for, such particular state college, in addition to such other amounts as may be appropriated therefor by the Legislature. All money received from the sale or other disposition of personal prop-

erty, other than money, acquired by or on behalf of a particular state college by gift, bequest, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquisition and improvement of real or personal property for, such particular state college, in addition to such other amounts as may be appropriated therefor by the Legislature. No money shall be expended by the trustees under this subdivision without the approval of the Director of Finance. Such money shall augment such support or capital outlay appropriation of the California State Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

CHAPTER 1513

An act to amend Sections 1350, 1351, 1352, and 1356 of, and to add Sections 1350.5 and 1357 to, the Labor Code, relating to female employees.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1350 of the Labor Code is amended to read:

1350. No female shall be employed in any manufacturing, mechanical, or mercantile establishment or industry, laundry, cleaning, dyeing, or cleaning and dyeing establishment, hotel, public lodginghouse, apartment house, hospital, beauty shop, barbershop, place of amusement, restaurant, cafeteria, telegraph or telephone establishment or office, in the operation of elevators in office buildings, or by any express or transportation company in this state, more than eight hours during any one day of 24 hours or more than 48 hours in one week, except as provided in Section 1350.5.

SEC. 2. Section 1350.5 is added to the Labor Code, to read:

1350.5. (a) Employers of employees covered under the provisions of the Fair Labor Standards Act may employ females up to 10 hours during any one day of 24 hours or up to 58 hours in one week, provided that they are compensated at the rate of 1½ times the regular rate of pay for time worked for one employer in excess of eight hours in any one day or 40 hours in any one week.

(b) The provisions of subdivision (a) shall not apply to: (1) employers whose employees are exempted in Section 13 of the Fair Labor Standards Act, as amended through February 1, 1967, from the provisions of Section 7 of the Fair Labor Standards Act; (2) employers whose employees are exempted

in Section 7 of the Fair Labor Standards Act, as amended through February 1, 1967, from the provisions of Section 7 of the Fair Labor Standards Act, if the employees are not entitled under such exemptions in Section 7 to 1½ times their regular rate of pay until they have worked more than 48 hours in one week; and (3) employers whose employees are engaged in the laundering, cleaning, or repairing of clothing, or in the clothing manufacturing industries.

(c) The provisions of subdivisions (a) and (b) of this section shall not affect or change the provisions of any existing collective bargaining agreement.

(d) Notwithstanding the provisions of subdivision (b) of this section, the provisions of subdivision (a) of this section shall apply to the employment of females by airlines certificated by the federal or state government.

SEC. 3. Section 1351 of the Labor Code is amended to read:

1351. No employer shall employ, cause to be employed, or permit any female to work any number of hours whatever, with knowledge that such female has theretofore been employed within the same day of 24 hours in any establishment or industry and by any previous employer for a period of time which will, combined with the period of time of employment by a previous employer, exceed 10 hours in one day or 58 hours in one week. This provision shall not prevent the employment of any female in more than one establishment where the total number of hours worked by her does not exceed 10 hours in any one day of 24 hours or 58 hours in one week.

SEC. 4. Section 1352 of the Labor Code is amended to read:

1352. The provisions of this article in relation to hours of employment shall not apply to or affect graduate nurses in hospitals, licensed vocational nurses in hospitals, or clinical laboratory bioanalysts, clinical laboratory technologists, X-ray laboratory technicians, surgical technicians or inhalation therapists in hospitals during an emergency; provided, that any such licensed vocational nurse, technologist, technician or therapist who, by reason of an emergency, is permitted or required by her employer to work in excess of the maximum hours prescribed by other provisions of this article, shall be paid, for time worked in excess of such hours, at a rate of not less than 1½ times her straight time rate of pay, nor the harvesting, curing, canning, packing, or drying of any variety of perishable fruit, fish, or vegetable during the periods when it is necessary to harvest, cure, can, pack, or dry fruit, fish, or vegetables to prevent spoiling, nor to employees actually engaged in the processing of biologicals, human blood products and other such products of laboratories operating under license from either or both the United States Department of the Treasury and the United States Department of Agriculture during such periods when it is necessary to continue the processing of such products to prevent spoilage or

deterioration. Emergency within the meaning of this section means an unpredictable or unavoidable occurrence at unscheduled intervals, requiring immediate action. The exception provided herein shall be effective only in cases where the employer, upon learning of the emergency, exercises reasonable diligence to provide immediately relief for the employee required to work over the prescribed number of hours.

SEC. 5. Section 1356 of the Labor Code is amended to read:

1356. The Division of Industrial Welfare shall enforce this article; provided, however, that neither the division nor the Industrial Welfare Commission may place on employers any limitations that are more restrictive than the provisions of this article.

SEC. 6. Section 1357 is added to the Labor Code, to read:

1357. If any clause, sentence, paragraph, or part of this article, or the application thereof to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this article and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved.

SEC. 7. Section 1352 of the Labor Code is amended to read:

1352. The provisions of this article in relation to hours of employment shall not apply to or affect employees of licensed hospitals during an emergency; provided, that any such employee who, by reason of an emergency, is permitted or required by her employer to work in excess of the maximum hours prescribed by other provisions of this article, shall be paid, for time worked in excess of such hours, at a rate of not less than 1½ times her straight-time rate of pay, nor the harvesting, curing, canning, packing, or drying of any variety of perishable fruit, fish, or vegetable during the periods when it is necessary to harvest, cure, can, pack, or dry fruit, fish, or vegetables to prevent spoiling, nor to employees actually engaged in the processing of biologicals, human blood products and other such products of laboratories operating under license from either or both the United States Department of the Treasury and the United States Department of Agriculture during such periods when it is necessary to continue the processing of such products to prevent spoilage or deterioration. Emergency within the meaning of this section means an unpredictable or unavoidable occurrence at unscheduled intervals, requiring immediate action. The exception provided herein shall be effective only in cases where the employer, upon learning of the emergency, exercises reasonable diligence to provide immediately relief for the employee required to work over the prescribed number of hours.

SEC. 8. Section 7 of this act shall become operative only if Assembly Bill No. 2143 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 2143 takes effect; at which time Section 1352 of the Labor Code as amended by Section 4 of this act is repealed.

CHAPTER 1514

An act to add Sections 7750, 7751, 8573, and 8574 to the Education Code, relating to high school graduation standards.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 7750 is added to the Education Code, to read:

7750. The governing board of any school district maintaining a high school shall adopt minimum academic standards for graduation from the high schools within its school district. Such minimum academic standards shall include separate courses of study including, but not limited to, preparation courses pursuant to Section 7755 and for vocational training. Such standards shall be made available to the public.

SEC. 2. Section 7751 is added to the Education Code, to read:

7751. The State Board of Education shall prepare, and distribute to each school district maintaining a high school for its consideration, model minimum academic standards for graduation as required by Section 7750 of this code.

SEC. 3. Section 8573 is added to the Education Code, to read:

8573. The governing board of any school district maintaining a high school shall adopt minimum academic standards for graduation from the high schools within its school district. Such minimum academic standards shall include separate courses of study including, but not limited to, a course of study designed to prepare prospective students for admission to state colleges and the state university and for vocational training. Such standards shall be made available to the public.

SEC. 4. Section 8574 is added to the Education Code, to read:

8574. The State Board of Education shall prepare, and distribute to each school district maintaining a high school for its consideration, model minimum academic standards for graduation as required by Section 8573 of this code.

SEC. 5. Sections 3 and 4 of this act shall become operative only if Senate Bill No. 311 is enacted by the Legislature

at its 1967 Regular Session, and in such case at the same time as Senate Bill No. 311 takes effect; at which time Sections 7750 and 7751 of the Education Code as added by Sections 1 and 2 of this act are repealed.

CHAPTER 1515

An act to add Article 8 (commencing with Section 690) to Chapter 1 of Division 2 of the Business and Professions Code, relating to the healing arts.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Article 8 (commencing with Section 690) is added to Chapter 1 of Division 2 of the Business and Professions Code, to read:

Article 8. Selection of Healing Arts Practitioner

690. (a) Except as provided in Section 4601 of the Labor Code and Section 2627 of the Unemployment Insurance Code, neither the administrators, agents, or employees of any program supported, in whole or in part, by funds of the State of California, nor any state agency, county, or city of the State of California, nor any officer, employee, agent, or governing board of such state agency, county, or city in the performance of its or his duty, duties, function or functions, shall prohibit any person, who is entitled to vision care which may be rendered by either an optometrist or a physician and surgeon within the scope of his license, from selecting such duly licensed member of either profession to render the service, provided such member has not been removed or suspended from participation in such program for cause.

(b) Whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of this section, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of the Attorney General, the district attorney of the county, or any person aggrieved.

For purposes of this subdivision, "person aggrieved" shall be defined as the person who seeks the particular medical or optometric services mentioned herein, or the holder of any certificate who is discriminated against in violation of the provisions of this section.

(c) Nothing contained in this section shall prohibit any agency operating a program of services, including but not

limited to a program established pursuant to Article 2 (commencing with Section 249) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code or Chapter 10 5 (commencing with Section 6971), Chapter 11 (commencing with Section 7001), or Chapter 11.5 (commencing with Section 7041) of Division 6 of the Education Code, from preparing lists of healing arts licensees and requiring patients to select a licensee on the list as a condition to payment by the program for the services, except that if such lists are established and a particular service may be performed by either a physician and surgeon or an optometrist the list shall contain a sufficient number of licensees so as to assure the patients an adequate choice.

CHAPTER 1516

An act to amend Section 74661 of the Government Code, relating to municipal courts.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 74661 of the Government Code is amended to read:

74661. Each of the municipal court districts established in the County of Santa Clara shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

San Jose-Milpitas-Alviso Judicial District	9
Santa Clara-Cupertino Judicial District	2
Los Gatos-Campbell-Saratoga Judicial District	1
Sunnyvale Judicial District	2
Palo Alto-Mountain View Judicial District	4

On and after January 1, 1968, there shall be 10 judges in the San Jose-Milpitas-Alviso Judicial District.

CHAPTER 1517

An act to amend Section 266 of the Revenue and Taxation Code, as amended by Chapter 217 of the Statutes of the 1967 Regular Session of the Legislature, relating to property tax exemptions.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 266 of the Revenue and Taxation Code, as amended by Chapter 217 of the Statutes of the 1967 Regular Session of the Legislature, is amended to read:

266. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year of 1957, 1958, 1962, 1963, 1964, 1965, 1966, or 1967 on property as to which the college exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

CHAPTER 1518

An act to amend Sections 28958, 29151, 29158, 29201, 29240, 29292 and 29502 of, and to add Section 29157.1 to the Public Utilities Code, relating to the San Francisco Bay Area Rapid Transit District.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 28958 of the Public Utilities Code is amended to read:

28958. The board may authorize the temporary transfer of cash balances in any fund (except moneys in any fund which the district is required to set aside for the payment of bonds, notes or other evidence of indebtedness and the interest thereon) to any other fund; and the amount so transferred shall be repaid as soon as moneys are available in the fund to which such transfer has been made. Transfers of funds within, or revision of, a budget adopted by the district, whether before or after the incurring of a bonded indebtedness, may be made by appropriate act of the board at a regular or special meeting.

SEC. 2. Section 29151 of the Public Utilities Code is amended to read:

29151. Before submitting a proposal to incur any bonded indebtedness, the district shall employ such engineers, economists, fiscal experts and others as is necessary to develop general plans, estimates and general specifications pertaining to the projects for which the bond issue is proposed, sufficient in the opinion of the board to enable the board to determine the feasibility of such projects, provided that no such reports or the approval thereof specified in Section 29156 of this code shall be applicable to any proposal for the issuance of additional bonds to complete the project referred to in the original reports.

SEC. 3. Section 29158 of the Public Utilities Code is amended to read:

29158. When the district has received unanimous approval from the boards of supervisors of the counties comprising the district pursuant to Section 29156 of this code, or when the board has made its order pursuant to Section 29157.1 of this code, the board shall call a special election and submit to the qualified voters of the district the proposition of incurring such bonded indebtedness or the acquisition, construction or completion of rapid transit facilities by the district and all other works, property, or structures necessary or convenient therefor and for the purpose of carrying out the provisions of this part.

SEC. 4. Section 29201 of the Public Utilities Code is amended to read:

29201. Before making a sale of any of the bonds, notice shall be given by publication once a week, for two weeks, in a newspaper of general circulation in the district, if there is one, and no sale shall be held prior to the expiration of 15 days from the first publication of the notice. Copies of such advertisement may be published in any newspaper or financial publication in the United States and copies may be mailed to recognized investment dealers, banks, investing institutions and statistical organizations, together with any related material pertaining to the district and its bonds, but no defect in any such additional publication or failure to mail or failure of any person to receive copies of any such materials so mailed shall affect the validity of the sale The board may reject any or all bids received if it determines that the bids are not satisfactory as to price or as to the responsibility of the bidders. If no bids are received or if the board rejects all bids received, the board may either readvertise or sell the bonds at private sale, provided however, that if the bonds are sold at private sale, they shall not be sold at a price lower than the highest bid, if any, which was received at the public sale.

SEC. 4.5. Section 29240 of the Public Utilities Code is amended to read:

29240. As an alternative procedure for the raising of funds, the district is hereby authorized to issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed by the district, in the manner provided by the Revenue Bond Law of 1941, all of the provisions of which are hereby made applicable to the district, provided however, that no election shall be required in the case of revenue bonds authorized by the board of directors for rapid transit facilities and any and all parts thereof and all additions, extensions and improvements thereto and all other facilities authorized to be acquired, constructed or completed by the district under this part, if prior to such authorization a proposition for the issuance of general obligation bonds has been adopted by vote of the qualified electors of the district pursuant to Section 29168; and provided, further, that nothing contained in the Revenue Bond Law of 1941 shall be deemed to restrict the

power of the district to levy taxes and use their proceeds for all district purposes within the restrictions established by this part.

SEC. 5. Section 29292 of the Public Utilities Code is amended to read:

29292 Any person who, without probable cause, institutes in any court, state or federal, any action or proceeding contesting the validity of the issuance or sale by the district of any bonds or other evidences of indebtedness authorized by this part, and who does not prevail in such action or proceeding, shall be liable in damages to the district, in an amount which will compensate the district for all the detriment proximately caused thereby, or which, in the ordinary course of things, would be likely to result therefrom He shall also be liable for the costs and attorney's fees paid or incurred in the defense of the action or proceeding. No proceeding contesting the validity of the issuance or sale by the district of any bonds or other evidences of indebtedness authorized by this part shall be instituted following the expiration of 60 days from and after the date of the election authorizing the issuance of the bonds or, in the case of indebtedness for which an election is not required, 60 days from and after the date of the resolution of the board authorizing the issuance of the indebtedness involved.

SEC. 6. Section 29502 of the Public Utilities Code is amended to read:

29502. As a condition of annexation, the district shall require any county seeking to annex to the district to reimburse the district for the county's equitable share of the previously incurred cost of financing capital expenditures within the district theretofore imposed by taxation on territory within the district The amount of reimbursement due from such county, unless otherwise provided for in the annexation agreement entered into pursuant to Section 29501 of this code, shall be computed on the following basis: one-half in the proportion that the population of the county bears to the total population of the district and one-half in the proportion that the assessed value of the real estate of the county bears to the total assessed value of the real estate of the district. Determinations of population shall be made by the district on the latest official information available to it. Determinations by the district as to the amount of capital expenditures shall be conclusive in each case.

SEC. 7. Section 29157.1 is added to the Public Utilities Code, to read:

29157.1. Whenever it appears to the board that bonded indebtedness heretofore authorized pursuant to the provisions of this article is insufficient to cover all costs of the acquisition and construction of facilities, the board shall make an order

determining the amount of bonds that should be issued in order to raise the additional funds necessary for the completion of such facilities. The provisions of Sections 29154, 29155, 29156 and 29157 of this code shall not be applicable to any election to authorize the issuance of additional bonds, after the district shall have issued all or any part of its first authorized issue of bonds.

CHAPTER 1519

An act to amend Sections 11105, 11115, 11116, and 11117 of, and to add Sections 11116.5 and 11116.6 to, the Penal Code, relating to criminal records and reports.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 11105 of the Penal Code is amended to read:

11105. (a) The Attorney General shall furnish, upon application in accordance with the provisions of subdivision (b) of this section, copies of all information pertaining to the identification of any person, such as a plate, photograph, outline picture, description, measurement, or any data about such person of which there is a record in the office of the bureau.

(b) Such information shall be furnished to all peace officers, district attorneys, probation officers, and courts of the state, to United States officers or officers of other states, territories, or possessions of the United States, or peace officers of other countries duly authorized by the Attorney General to receive the same, and to any public defender or attorney representing such person in proceedings upon a petition for certificate of rehabilitation and pardon pursuant to Section 4852.08, upon application in writing accompanied by a certificate signed by the peace officer, public defender, or attorney, stating that the information applied for is necessary for the due administration of the laws, and not for the purpose of assisting a private citizen in carrying on his personal interests or in maliciously or uselessly harassing, degrading or humiliating any person.

(c) Such information shall not be furnished to any persons other than those listed in subdivision (b) of this section or as provided by law; provided, that such information may be furnished to any state agency, officer, or official when needed for the performance of such agency's, officer's, or official's functions.

SEC. 2. Section 11115 of the Penal Code is amended to read:

11115. In any case in which a sheriff, police department or other law enforcement agency makes an arrest and transmits a report of the arrest to the Bureau of Criminal Identification and Investigation or to the Federal Bureau of Investigation, it shall be the duty of such law enforcement agency to furnish a disposition report to such bureaus whenever the arrested person is transferred to the custody of another agency or is released without having a complaint or accusation filed with a court.

If either of the following dispositions is made, the disposition report shall so state:

(a) "Arrested for intoxication and released," when the arrested party is released pursuant to paragraph (2) of subdivision (b) of Section 849.

(b) "Detention only," when the detained party is released pursuant to paragraph (1) of subdivision (b) of Section 849. In such cases the report shall state the specific reason for such release, indicating that there was no ground for making a criminal complaint because (1) further investigation exonerated the arrested party, (2) the complainant withdrew the complaint, (3) further investigation appeared necessary before prosecution could be initiated, (4) the ascertainable evidence was insufficient to proceed further, (5) the admissible or adducible evidence was insufficient to proceed further, or (6) other appropriate explanation for release.

When a complaint or accusation has been filed with a court against such an arrested person, the law enforcement agency having primary jurisdiction to investigate the offense alleged therein shall receive a disposition report of that case from the appropriate court and shall transmit a copy of the disposition report to all the bureaus to which arrest data has been furnished.

SEC. 3. Section 11116 of the Penal Code is amended to read:

11116. Whenever a criminal complaint or accusation is filed in any superior, municipal or justice court, the clerk, or, if there be no clerk, the judge of that court shall furnish a disposition report of such case to the sheriff, police department or other law enforcement agency primarily responsible for the investigation of the crime alleged in a form prescribed or approved by the Bureau of Criminal Identification and Investigation.

The disposition report shall state one or more of the following, as appropriate:

(a) "Dismissal in furtherance of justice, pursuant to Section 1385 of the Penal Code." In addition to this disposition label, the court shall set forth the particular reasons for the dismissal as stated in its order entered upon the minutes.

(b) "Case compromised; defendant discharged because restitution or other satisfaction was made to the injured person, pursuant to Sections 1377 and 1378 of the Penal Code."

(c) "Court found insufficient cause to believe defendant guilty of a public offense; defendant discharged without trial pursuant to Section 871 of the Penal Code."

(d) "Dismissal due to delay; action against defendant dismissed because the information was not filed or the action was not brought to trial within the time allowed by Section 1381, 1381.5, or 1382 of the Penal Code."

(e) "Accusation set aside pursuant to Section 995 of the Penal Code." In addition to this disposition label, the court shall set forth the particular reasons for the disposition.

(f) "Defective accusation; defendant discharged pursuant to Section 1008 of the Penal Code," when the action is dismissed pursuant to that section after demurrer is sustained, because no amendment of the accusatory pleading is permitted or amendment is not made or filed within the time allowed.

(g) "Defendant became a witness for the people and was discharged pursuant to Section 1099 of the Penal Code."

(h) "Defendant discharged at trial because of insufficient evidence, in order to become a witness for his codefendant pursuant to Section 1100 of the Penal Code."

(i) "Proceedings suspended; defendant found presently insane and committed to state hospital pursuant to Sections 1367 to 1372 of the Penal Code." If defendant later becomes sane and is legally discharged pursuant to Section 1372, his disposition report shall so state.

(j) "Convicted of (state offense)." The disposition report shall state whether defendant was convicted on plea of guilty, on plea of nolo contendere, by jury verdict, or by court finding and shall specify the sentence imposed, including probation granted, suspension of sentence, imposition of sentence withheld, or fine imposed, and if fine was paid.

(k) "Acquitted of (state offense)," when a general "not guilty" verdict or finding is rendered.

(*l*) "Not guilty by reason of insanity," when verdict or finding is that defendant was insane at the time the offense was committed.

(m) "Acquitted; proof at trial did not match accusation," when defendant is acquitted by reason of variance between charge and proof pursuant to Section 1151.

(n) "Acquitted; previously in jeopardy," when defendant is acquitted on a plea of former conviction or acquittal or once in jeopardy pursuant to Section 1151.

(o) "Judgment arrested; defendant discharged," when the court finds defects in the accusatory pleading pursuant to Sections 1185 to 1187, and defendant is released pursuant to Section 1188.

(p) "Judgment arrested; defendant recommitted," when the court finds defects in the accusatory pleading pursuant to Sections 1185 to 1187, and defendant is recommitted to answer a new indictment or information pursuant to Section 1188.

(q) "Mistrial; defendant discharged." In addition to this disposition label, the court shall set forth the particular reasons for its declaration of a mistrial.

(r) "Mistrial; defendant recommitted." In addition to this disposition label, the court shall set forth the particular reasons for its declaration of a mistrial.

(s) Any other disposition by which the case was terminated. In addition to the disposition label, the court shall set forth the particular reasons for the disposition.

Whenever a court shall dismiss the accusation or information against a defendant under the provisions of Section 1203.4 of this code, and whenever a court shall order the record of a minor sealed under the provisions of Section 1203.45 of this code, the clerk, or, if there be no clerk, the judge of that court shall furnish a report of such proceedings to the Bureau of Criminal Identification and Investigation and shall include therein such information as may be required by said bureau.

SEC. 3.5. Section 11116 of the Penal Code is amended to read:

11116. Whenever a criminal complaint or accusation is filed in any superior, municipal or justice court, the clerk, or, if there be no clerk, the judge of that court shall furnish a disposition report of such case to the sheriff, police department or other law enforcement agency primarily responsible for the investigation of the crime alleged in a form prescribed or approved by the Bureau of Criminal Identification and Investigation.

The disposition report shall state one or more of the following, as appropriate:

(a) "Dismissal in furtherance of justice, pursuant to Section 1385 of the Penal Code." In addition to this disposition label, the court shall set forth the particular reasons for the dismissal as stated in its order entered upon the minutes.

(b) "Case compromised; defendant discharged because restitution or other satisfaction was made to the injured person, pursuant to Sections 1377 and 1378 of the Penal Code."

(c) "Court found insufficient cause to believe defendant guilty of a public offense; defendant discharged without trial pursuant to Section 871 of the Penal Code."

(d) "Dismissal due to delay; action against defendant dismissed because the information was not filed or the action was not brought to trial within the time allowed by Section 1381, 1381.5, or 1382 of the Penal Code."

(e) "Accusation set aside pursuant to Section 995 of the Penal Code." In addition to this disposition label, the court shall set forth the particular reasons for the disposition.

(f) "Defective accusation; defendant discharged pursuant to Section 1008 of the Penal Code," when the action is dismissed pursuant to that section after demurrer is sustained, because no amendment of the accusatory pleading is permitted or amendment is not made or filed within the time allowed.

(g) "Defendant became a witness for the people and was discharged pursuant to Section 1099 of the Penal Code."

(h) "Defendant discharged at trial because of insufficient evidence, in order to become a witness for his codefendant pursuant to Section 1100 of the Penal Code."

(i) "Proceedings suspended; defendant found presently insane and committed to state hospital pursuant to Sections 1367 to 1372 of the Penal Code." If defendant later becomes sane and is legally discharged pursuant to Section 1372, his disposition report shall so state.

(j) "Convicted of (state offense)." The disposition report shall state whether defendant was convicted on plea of guilty, on plea of nolo contendere, by jury verdict, or by court finding and shall specify the sentence imposed, including probation granted, suspension of sentence, imposition of sentence withheld, or fine imposed, and if fine was paid.

(k) "Acquitted of (state offense)," when a general "not guilty" verdict or finding is rendered.

(l) "Not guilty by reason of insanity," when verdict or finding is that defendant was insane at the time the offense was committed.

(m) "Acquitted; proof at trial did not match accusation," when defendant is acquitted by reason of variance between charge and proof pursuant to Section 1151.

(n) "Acquitted; previously in jeopardy," when defendant is acquitted on a plea of former conviction or acquittal or once in jeopardy pursuant to Section 1151.

(o) "Judgment arrested; defendant discharged," when the court finds defects in the accusatory pleading pursuant to Sections 1185 to 1187, and defendant is released pursuant to Section 1188.

(p) "Judgment arrested; defendant recommitted," when the court finds defects in the accusatory pleading pursuant to Sections 1185 to 1187, and defendant is recommitted to answer a new indictment or information pursuant to Section 1188

(q) "Mistrial; defendant discharged." In addition to this disposition label, the court shall set forth the particular reasons for its declaration of a mistrial.

(r) "Mistrial; defendant recommitted." In addition to this disposition label, the court shall set forth the particular reasons for its declaration of a mistrial.

(s) Any other disposition by which the case was terminated. In addition to the disposition label, the court shall set forth the particular reasons for the disposition.

Whenever a court shall dismiss the accusation or information against a defendant under the provisions of Section 1203.4 of this code, and whenever a court shall order the record of a minor sealed under the provisions of Section 851.7 or Section 1203.45 of this code, the clerk, or, if there be no clerk, the judge of that court shall furnish a report of such proceed-

ings to the Bureau of Criminal Identification and Investigation and shall include therein such information as may be required by said bureau.

SEC. 4. Section 11116.5 is added to the Penal Code, to read:

11116.5. Any disposition label provided by Section 11115 or 11116 may be used by the person subject to the disposition as an answer to any question regarding his arrest or detention history or any question regarding the outcome of a criminal proceeding against him.

SEC. 5. Section 11116.6 is added to the Penal Code, to read:

11116.6. The disposition labels provided by Sections 11115 and 11116 must be entered on all appropriate records of the party arrested, detained, or against whom criminal proceedings are brought.

SEC. 6. Section 11117 of the Penal Code is amended to read:

11117. The Bureau of Criminal Identification and Investigation shall prescribe and furnish the procedures and forms to be used for the disposition reports required in this article. The bureau shall add the disposition reports received to all appropriate criminal records.

The disposition reports required in this article shall be forwarded to the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation within 30 days after the release of the arrested or detained person or the termination of court proceedings.

Neither the disposition reports nor the disposition labels required in this article shall be admissible in evidence in any civil action.

SEC. 7. Section 3.5 of this act shall become operative only if Assembly Bill No. 1855 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 1855 takes effect, at which time Section 3 of this act is repealed.

CHAPTER 1520

An act granting certain tide and submerged lands to The Metropolitan Water District of Southern California upon certain trusts and conditions and for other public purposes, providing for the removal of the public trust for commerce, navigation and fisheries upon certain portions of said lands granted hereby upon the improvement of said portions of said lands for the use and benefit of all of the people of the state and granting an easement across certain state lands now owned and to be acquired for the purpose of connecting such tide and submerged lands to the mainland by means of a causeway.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature of the State of California hereby finds and determines that:

(a) The conveyance to The Metropolitan Water District of Southern California of the tide and submerged lands for the purposes hereinafter described, together with the right to govern, control, improve and develop the same will result in great advantage and benefit to all the inhabitants of the state;

(b) Improvement in the art of desalting sea water will be of general benefit to the people of the State of California and of the United States.

(c) The lands conveyed are of but minimal size in relation to the tide and submerged lands in the area, and the removal of the public trust for commerce, navigation and fisheries as to those portions which will be above the level of mean high tide will not substantially impair commerce, navigation, or fisheries on the remaining lands or waters in the area, and the greatest public interest will be subserved by such removal of the trust.

SEC. 2. There is hereby granted to The Metropolitan Water District of Southern California, and to its successors, subject to existing leases, easements and rights-of-way heretofore granted by the state or agencies thereof, all of the right, title and interest of the State of California in and to all tide and submerged lands, either filled or unfilled, which said lands are bounded by and more particularly described as follows, to wit:

(i) Parcel I—A parcel of tide and submerged lands lying off-shore to the Bolsa Chica Beach State Park, in the City of Huntington Beach, County of Orange, State of California, as said Bolsa Chica Beach State Park is shown on map recorded in Book 53, page 40, of Record of Survey in the office of the Recorder of said County of Orange, said parcel of tide and submerged lands being more particularly described as follows:

Commencing at California State Lands Commission Station "Los Patos 2" (California State Coordinate System for Zone 6, N. 566,794 72 and E. 1,448,614.15) being a Brass Cap in Concrete marked "Los Patos No. 2 1950" as shown on said above-mentioned Record of Survey; thence N 55° 31′ 19″ W 150.05 feet to a 2½-inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L.S. 2685" being a point in the northeasterly boundary of said Bolsa Chica Beach State Park as shown on said Record of Survey; thence S 42° 28′ 13″ E along said northeasterly boundary 1,868.99 feet to a 2½ inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L.S. 2685" as shown on said Record of Survey; thence S 42° 26′ 30″ E along said northeasterly boundary 941.07 feet; thence leaving said northeasterly boundary S 47° 30′ 00″ W 1,032.56 feet to the TRUE POINT OF BEGINNING in the Pacific Ocean, said True Point of Beginning having coordinates of N. 564,108.98 and E. 1,449,626 19, California State Coordinate System, Zone 6; thence S 42° 30′ 00″ E 4,400 feet; thence S 47° 30′ 00″ W 5,000 feet; thence N 42° 30′ 00″ W 7,200 feet; thence N 47° 30′ 00″ E 5,000 feet; thence S 42° 30′ 00″ E 2,800 feet to said True Point of Beginning.

(ii) Parcel II—A strip of tide and submerged lands 600 feet wide lying off-shore to the Bolsa Chica Beach State Park, in the City of Huntington Beach, County of Orange, State of California, as said Bolsa Chica Beach State Park is shown on map recorded in Book 53, page 40, of Record of Survey, in the office of the Recorder of said County of Orange, the northwesterly line of said strip of tide and submerged lands 600 feet wide being parallel with and 450 feet northwesterly, measured at right angles, from the following described traverse line:

Commencing at California State Lands Commission Station "Los Patos 2" (California State Coordinate System for Zone 6, N. 566,794.72 and E. 1,448,614 15) being a Brass Cap in Concrete marked "Los Patos No. 2 1950" as shown on said above-mentioned Record of Survey; thence N 55° 31′ 19″ W 150.05 feet to a 2½-inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L.S. 2685" being a point in the northeasterly boundary of said Bolsa Chica Beach State Park as shown on said Record of Survey; thence S 42° 28′ 13″ E along said northeasterly boundary 1,868.99 feet to a 2½-inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L.S. 2685" as shown on said Record of Survey; thence S 42° 26′ 30″ E along said northeasterly boundary 941.07 feet to the TRUE POINT OF BEGINNING; thence leaving said northeasterly boundary S 47° 30′ 00″ W 1,032.56 feet to a point in the Pacific Ocean herein designated Point A, said last mentioned point having coordinates of N. 564,108.98 and E. 1,449,626.19, California State Coordinate System, Zone 6.

The side lines of said above-described 600-foot wide strip of tide and submerged lands shall be prolonged or shortened so as to terminate northeasterly in the Mean High Tide Line, and so as to terminate southwesterly in a line which is at right angles to said above-described traverse line at said Point A.

SEC. 3 Subject to the provisions of subdivision (b) of this section, said tide and submerged lands shall be forever held by said district, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said district, its successors, easement holders, lessees and licensees only for the promotion and accommodation of the following stated purposes having statewide benefit: the construction, maintenance and operation thereon of a plant or plants for the production of fresh water employing a nuclear powered sea water desalting process or a plant or plants for the production of electric energy using nuclear means, or both, and any other facilities, equipment or plants necessary or desirable in connection with the production and delivery of fresh water, electricity and any byproducts incident thereto, and to these or any of these ends, said district and its successors are hereby authorized to reclaim, fill and raise portions of said lands to such level as may be necessary or convenient to create an island in parcel I and a causeway of open construction in parcels I and II to connect said island with the mainland; provided, however, that without the approval of the State Lands Commission, said island shall not exceed 125 acres in area at the mean high water line and said causeway shall not exceed 60 feet in width at its top.

(b) It is found and determined that if and when any portions of said lands have been reclaimed, filled and raised to such level as may be necessary or convenient to create an island in Parcel I and the island shall have been created and said causeway shall have been constructed, said portions of said lands constituting said island and said causeway or any extensions or additions thereto will be no longer submerged or below the line of mean high tide and will no longer be necessary or useful for commerce, navigation or fisheries, subject only to the right of the public to fish from said causeway and island, all as provided in Section 5 hereof. The State Lands Commission is hereby directed, upon the completion of the reclamation, filling and raising of the level of any portions of said lands to create the island and upon completion of the causeway, or when any extensions or additions thereto are constructed, to execute and record in the office of the County Recorder of the County of Orange appropriate instruments describing the lands comprising the island and causeway. Upon the recording of any such instrument or instruments, together with a certificate that the lands described therein are above the line of mean high tide and have been found to be no longer necessary or useful for commerce, navigation and fisheries, all as hereinabove provided, said described lands shall thereupon and thereafter be

held by said district free of the public use and trust for commerce, navigation and fisheries, including any trust for said purposes imposed by this section, subject only to the right to fish from the causeway and island as provided in Section 5 hereof. Such certificate shall be made from time to time by the State Lands Commission on its own initiative or shall be made on the application of the district, its successors, easement holders, lessees or licensees. It is further found and determined that the freeing of any lands so certified from said trust is promotive of the public interest and in aid of the construction, maintenance and operation of the plant or plants hereinabove in Section 3 referred to and that said freeing of said lands from said trust can be done without impairing the paramount public interest in the lands and waters remaining or adjacent to or in the vicinity of the island and causeway when the same are reclaimed, created or constructed as herein provided.

(c) That neither said district nor its successors shall at any time grant, convey, or alien said lands, or any part thereof, to any individual, firm or corporation, for any purpose whatsoever; provided, that said district or its successors, may grant easements, licenses and leases thereon for any of the uses and purposes specified in subdivision (a) hereof for periods not in excess of 66 years; provided further, that such easements, licenses and leases may be granted to municipal corporations for periods not in excess of 99 years; provided further, however, that whenever any portions of said lands are held by the district free of the public use and trust for commerce, navigation and fisheries in accordance with subdivision (b) hereof, said easements, licenses, or leases may extend as to such portions for such periods of time as such lands are used for the purposes specified in subdivision (a) hereof.

(d) That for the purpose of obtaining material to reclaim and fill the lands hereby granted to said district, it may dredge said lands, and submerged lands within the following described area: A parcel of tide and submerged lands lying in the Pacific Ocean partly in the City of Huntington Beach, all in the County of Orange, State of California, said parcel of tide and submerged lands being more particularly described as follows:

Commencing at California State Lands Commission Station "Los Patos 2" (California State Coordinate System for Zone 6, N. 566,794.72 and E. 1,448,614.15) being a Brass Cap in Concrete marked "Los Patos No. 2 1950" as shown on map recorded in Book 53, page 40, of Record of Survey in the office of the Recorder of said County of Orange; thence N 55° 31′ 19″ W 150.05 feet to a 2½-inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L.S. 2685" being a point in the northeasterly boundary of said Bolsa Chica Beach State Park as shown on said Record of Survey; thence S 42° 28′ 13″ E along said northeasterly boundary 1,868.99 feet to a 2½-inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L S. 2685" as shown on said Record of Survey; thence S 42° 26′ 30″ E along said north-

easterly boundary 941.07 feet; thence leaving said northeasterly boundary S 47° 30′ 00″ W 1,032 56 feet to a point in the Pacific Ocean having coordinates of N. 564,108.98 and E. 1,449,626.19, California State Coordinate System, Zone 6; thence S 42° 30′ 00″ E 4,400 feet; thence S 47° 30′ 00″ W 4,500 feet to the TRUE POINT OF BEGINNING; thence S 42° 30′ 00″ E 5,100 feet; thence S 47° 30′ 00″ W 9,500 feet; thence N 42° 30′ 00″ W 21,200 feet; thence N 47° 30′ 00″ E 9,500 feet; thence S 42° 30′ 00″ E 8,900 feet; thence S 47° 30′ 00″ W 500 feet; thence S 42° 30′ 00″ E 7,200 feet; thence N 47° 30′ 00″ E 500 feet to said True Point of Beginning.

SEC. 4. The district shall:

(a) Make ecological studies of conventional scope before, during, and after the construction of the island according to a plan approved by the Department of Fish and Game, and shall provide for reasonable mitigation of damage of a substantial nature resulting to the total fish and wildlife resources caused by the construction of the island.

(b) Establish conventional monitoring systems to measure the effects of the development of such lands on existing shoreline conditions and provide for reasonable mitigation of any erosion or accretion damage of a substantial nature caused by such development. Both the monitoring and damage mitigation shall be carried out according to standards approved by the Department of Water Resources.

(c) Provide on said island or within a reasonable distance from said island and causeway parking facilities sufficient to accommodate employees of the district, its easement holders, lessees and licensees, and also to reasonably accommodate members of the public who are permitted by the district, its easement holders, lessees and licensees to enter the plant or plants constructed on said island

(d) Place all lines, cables or other conduits for the transmission of electrical energy, water or any other products of the district, its easement holders, lessees and licensees below the top level of the causeway. Said lines, cables and conduits may at the option of the district, its easement holders, lessees and licensees, be constructed from the island to the Pacific Coast Highway within the structure of the causeway, or beneath the floor of the ocean and said state beach lands, or in some combination thereof.

SEC. 5. There are hereby reserved in the people of the State of California the rights of navigation and fishing in the waters surrounding the facilities to be constructed. Fishing shall be permitted from safe and suitable locations on the causeway and the island in a manner compatible with the operations of said district, its successors, easement holders, lessees and licensees if permitted by federal and state laws and regulations, and provided that the State of California or others pay any costs or expenses necessarily incurred by the district, its successors, easement holders, lessees and licensees, for the purpose of accommodating fishermen on said causeway and island.

SEC. 6. The district shall take such measures as may be required by federal or state law, and it may take such additional measures as it deems necessary or desirable in the interest of public health and safety.

SEC. 7. (a) There are hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas in the lands granted by this act, but without any right of entry on the surface of said lands, or the right to drill through said lands above a depth of 500 feet below the ocean floor.

(b) There are hereby reserved to the State of California the rights to construct breakwaters in aid of the establishment of a harbor for small boats and to construct such other harbor facilities incidental thereto as may be required, provided said breakwaters and harbor facilities shall be constructed at locations and in a manner compatible with federal and state laws, the operations of the Department of Parks and Recreation, and of said district, its successors, easement holders, lessees, and licensees for the purposes set forth in Section 3 hereof.

SEC. 8. There is hereby granted to The Metropolitan Water District of Southern California, and to its successors, subject to existing leases, easements and rights-of-way heretofore granted by the state or agencies thereof, an easement across the following described state beach lands for the upland portion of the causeway and for the uses and purposes specified in subdivision (a) of Section 3.

Parcel IV—A strip of land 600 feet wide lying in the Bolsa Chica Beach State Park, in the City of Huntington Beach, County of Orange, State of California, as shown on map recorded in Book 53, page 40, of Record of Survey in the office of the Recorder of said County of Orange, the northwesterly line of said strip of land, 600 feet wide, being parallel with and 450 feet northwesterly, measured at right angles, from the following described traverse line:

Commencing at California State Lands Commission Station "Los Patos 2" (California State Coordinate System for Zone 6, N. 566,794.72 and E. 1,448,614.15) being a Brass Cap in Concrete marked "Los Patos No. 2 1950" as shown on said above-mentioned Record of Survey; thence N 55°31'19" W 150.05 feet to a 2½-inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L.S. 2685" being a point in the northeasterly boundary of Bolsa Chica Beach State Park as shown on said Record of Survey; thence S 42° 28' 13" E along said northeasterly boundary 1,868.99 feet to a 2½-inch Brass Cap in Concrete in 4-inch diameter by 24-inch clay pipe marked "1960 L.S. 2685" as shown on said Record of Survey; thence S 42°26'30" E along said northeasterly boundary 941.07 feet to the TRUE POINT OF BEGINNING; thence leaving said northeasterly boundary S 47°30'00" W. 1,032.56 feet to a point in the Pacific Ocean herein designated Point A, said last mentioned point having coordinates of N. 564,108.98 and E. 1,449,626 19, California State Coordinate System, Zone 6.

The side lines of said above-described 600-foot wide strip of land shall be prolonged or shortened so as to terminate northeasterly in said northeasterly line of said Bolsa Chica Beach State Park and so as to terminate southwesterly in the Mean High Tide Line.

(a) That neither said district nor its successors shall at any time grant said easement or assign said easement, or any part thereof, to any individual, firm or corporation, for any purpose whatsoever; provided, that said district or its successors, may grant easements, licenses and leases covering the use of Parcel IV, or any part thereof, for any of the purposes referred to in subdivision (a) of Section 3 hereof for periods not in excess of the term of any easement, license, or lease granted pursuant to subdivision (c) of Section 3 hereof which has the longest term.

(b) The causeway structure to be constructed within the state beach lands and within other lands between such state beach lands and the Pacific Coast Highway shall not exceed 60 feet in width at the top and 95 feet in width at the base and shall be constructed so as to provide for reasonable mitigation of any damage of a substantial nature to such state beach lands.

Such construction shall include a public vehicular crossing from either side of the causeway to the other at a location agreeable to the Department of Parks and Recreation unless the department determines that such vehicular crossing is not required, and the abutment for such causeway on the seaward side shall be constructed at an elevation sufficiently above the level of mean high tide to allow passage of pedestrian traffic and beach maintenance vehicles under such causeway above said mean high tide line.

(c) Upon completion of the causeway within Parcel IV heretofore described, the district shall quitclaim to the state that portion of the easement herein granted, in excess of 75 feet in either direction from the centerline of said causeway.

(d) The easement granted in this Section 8 shall terminate unless the district pays to the State of California for the account of the Department of Parks and Recreation the sum of one hundred twenty thousand dollars ($120,000) within two years from the effective date of this grant or upon commencement of construction on Parcel IV, whichever event first occurs.

(e) No improvements shall be placed on the surface of Parcel IV other than the causeway and conduits, cables and other facilities incorporated within said causeway, and the public vehicular crossing from either side of the causeway to the other, without the consent of the Department of Parks and Recreation.

SEC 9. The State of California proposes to purchase a strip of land contiguous with the easterly line of Parcel IV, described in Section 8 hereof and extending to and contiguous with the westerly line of the Pacific Coast Highway to be used,

in part, for state beach purposes. Said land is more particularly described in a deed to the Pacific Electric Company recorded October 24, 1903, in Book 92, page 306, of Deeds in the office of the County Recorder of the County of Orange.

If the state acquires the portions of such land hereinafter referred to, the state shall grant to The Metropolitan Water District of Southern California and to its successors, the following easements in such land:

(a) An easement 600 feet wide across said land to permit the easterly continuation of the causeway from the easterly limit of the easement designated as Parcel IV to the Pacific Coast Highway. Said easement shall be granted so as to allow construction of the causeway in a straight line perpendicular to the island to be constructed, and for the same uses and purposes as provided in Section 8 but subject to the restrictions contained in subdivision (a) thereof. Upon completion of the causeway within the easement granted in this subsection, the district shall quitclaim to the state that portion of the easement which is in excess of 75 feet in either direction from the centerline of said causeway.

(b) An easement across said land to be used for the construction of an acceleration lane to and a deceleration lane from the Pacific Coast Highway.

Said easement shall be granted only after the centerline of the causeway has been determined and shall consist of a strip of land 1,000 feet in length and 15 feet in width extending southeasterly and northwesterly 500 feet from the centerline of the causeway as constructed, the northeasterly line of said strip being the northeasterly line of the land described in the deed to the Pacific Electric Company referred to herein.

The acceleration and deceleration lanes shall be constructed at the expense of the district in accordance with specifications approved by the Director of District 7 of the Division of Highways of the State of California. Following such construction, the easement herein referred to in this subsection (b) may be dedicated for highway purposes in the manner provided by law

The easements granted in this section shall terminate unless the district pays to the State of California for the account of the Department of Parks and Recreation within 30 days after demand for payment of a sum equal to the average cost per square foot paid by the state for the property referred to in this section multiplied by the square footage within the portion thereof to be permanently granted to the district under the provisions of subdivisions (a) and (b) hereof

No improvements shall be placed on the surface of the lands subject to the easements described in subdivision (a) hereof other than the causeway and conduits, cables and other facilities incorporated within said causeway and the public vehicular crossing from either side of the causeway to the other, without the consent of the Department of Parks and Recreation.

SEC. 10. The district and its successors, together with or independent of its easement holders, lessees, or licensees, of any lands conveyed by the state pursuant to the provisions of this act, are hereby authorized to bring suit against the State of California to quiet title to the lands so conveyed, or to obtain declaratory relief determining the validity of the title to the easements, leases and licenses made by the grantee or its successors. Service of process in any such suit shall be made upon the chairman of the State Lands Commission and the Attorney General, and it shall be the duty of the Attorney General to represent the state in any such suit. In any such action, whether or not judgment is given against the state, no costs shall be recovered against the state. Any action so brought hereunder shall be commenced prior to January 1, 1969.

CHAPTER 1521

An act to amend Sections 69892.1, 69894.2, and 69894.3 of, to add Section 69894.1 to, and to repeal Section 69894.1 of, the Government Code, relating to superior courts.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 69892.1 of the Government Code is amended to read:

69892.1. The superior court in any county with a population of over 4,000,000 as determined by the 1960 federal census shall appoint an executive officer who shall hold office at the pleasure of the court and shall exercise such administrative powers and perform such other duties as may be required of him by the court. The court shall fix the qualifications of such executive officer and may delegate to him any administrative powers and duties as are now or may hereafter by law be vested in or required to be exercised by such court. The executive officer shall prepare an annual report and such other reports as may be directed by the court. The annual salary of the executive officer shall be the same as provided for the judges of the superior court. He shall be allowed actual traveling and other necessary expenses while engaged in the discharge of the duties of his office.

SEC. 2. Section 69894.2 of the Government Code is amended to read:

69894.2. With the approval of the board of supervisors the court may establish such additional titles and pay rates as are required and with the approval of the board of supervisors may appoint and employ such additional commissioners, officers, assistants and other employees as it deems necessary for the performance of the duties and exercise of the powers

conferred by law upon it and its members. Rates of compensation of all officers, assistants and other employees, except those of the executive officer and court commissioners, may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court.

Such appointments or changes in compensation made pursuant to this section shall be on an interim basis and shall expire 90 days after the adjournment of the next regular session of the Legislature unless ratified at such session.

SEC. 3. Section 69894.3 of the Government Code is amended to read:

69894.3. Employees of the superior court in each county having a population of over 2,000,000 shall be entitled to such step advancement, vacation, sick leave, holiday benefits and other leaves of absence and other benefits as may be directed by rules of the court. Where statutes require implementation by local ordinances for the extension of benefits to local officers and employees, these may be made applicable by rule to court personnel, including but not limited to jurors, and judges.

Such benefits shall also include the same lump sum payments for sick leave and vacation for the superior court employees when they are separated from the service as are made to

SEC. 3.5. Section 69894.3 of the Government Code is amended to read:

69894.3. Employees of the superior court in each county having a population of over 2,000,000 shall be entitled to such step advancement, vacation, sick leave, holiday benefits and other leaves of absence and other benefits as may be directed by rules of the court. Where statutes require implementation by local ordinances for the extension of benefits to local officers and employees, these may be made applicable by rule to court personnel, including but not limited to jurors, and judges.

Such benefits shall also include the same lump sum payments for sick leave and vacation for the superior court employees when they are separated from the service as are made to county employees of such county; except that lump sum payments to court commissioners when separated from the service of the superior court shall be limited to accrued vacation only, exclusive of accrued sick leave.

Court employees under this section shall have the right to transfer to other departments in the county government, subject to the approval of the board of supervisors, the county charter, and other usual conditions which may be placed upon such a transfer, including, but not limited to, a requirement that the transferee successfully complete an appropriate civil service examination. Such right of transfer shall not give any such employee any additional rights by reason of his employment with the court, other than those to which he would have been entitled if such employment had been with a different department of the county government.

Employment by the court shall be deemed to be employment by the county, if approved by rule of court, for the purpose of

determining a court employee's rights with respect to a county's ordinances providing for salary step advancements and other employee benefits and rights, including, but not limited to, amount of compensation, vacations, sick leave, and accumulated sick leave.

In any such county such attachés may be voluntarily transferred from a position in one judicial district to a position in another within the county and promoted or voluntarily demoted from a position in one judicial district to a position in another within the county in substantially the same manner as transfers, demotions and promotions are authorized generally in county departments or between departments of the county.

Rules of the court may include other matters pertaining to the general administration of the court, including conditions of employment of court personnel, including but not limited to jurors and judges. When such rules are adopted by a majority of the judges and filed with the Judicial Council they shall have the same status as other rules of court adopted pursuant to Section 68070 of this code.

When requested to do so by the court the county shall through the county civil service commission furnish to the court such services as may be required in connection with the recruitment and employment of court officers and employees.

SEC. 4. Section 69894.1 of the Government Code is repealed.

SEC. 5. Section 69894.1 is added to the Government Code, to read:

69894.1. In each county with a population of over 6,000,000 a majority of the judges of the superior court may appoint the following officers and employees whose salaries shall be:

Number	Title	Schedule
9	Accounting clerk	28
1	Administrative analyst	51
14	Administrative secretary	36
1	Assistant jury commissioner	52
1	Assistant executive officer	69
1	Assistant personnel officer	49
1	Assistant supervising counselor, mental health	55
1	Assistant supervising traffic hearing officer	55
1	Chief, administrative division	59
2	Chief clerk	43
1	Child support coordinator	48
45	Clerk I	20
60	Clerk II	24
50	Clerk III	30
2	Clerk IV	37
15	Conciliation counselor	55
28	Counselor	45
30	Court commissioner	73
190	Court reporter	55
1	Court reporter assignment clerk	36

Number	Title	Schedule
1	Court statistician	44
1	Criminal courts coordinator	52
1	Driver-messenger	28
1	Duplicating and mail unit supervisor	31
1	EDP assistant programmer analyst	42
1	EDP programmer analyst	48
1	Executive assistant	55
1	Executive secretary	46
1	Finance officer	51
1	Financial investigator	37
1	Intermediate tabulating machine operator	32
10	Interpreter	28
1	Jury commissioner	59
1	Jury interviewer	38
1	Jury qualification supervisor	42
1	Juvenile and mental health courts coordinator	65
25	Juvenile traffic hearing officer	49
5	Key punch operator	23
9	Law clerk	42
10	Legal research assistant	36
27	Legal secretary	32
1	Master calendar assistant	45
1	Offset duplicator operator	25
1	Payroll records supervisor	36
1	Personnel officer	53
3	Principal counselor	53
6	Probate checker	36
15	Probate attorney	61
1	Procurement assistant	33
1	Property control assistant	39
4	Property custodian-auditor	29
1	Publications coordinator	48
20	Referee	66
1	Research attorney	60
1	Secretary to executive officer	41
1	Senior administrative assistant	45
20	Senior counselor	49
30	Senior judicial secretary	34
10	Senior juvenile traffic hearing officer	51
2	Senior key punch operator	25
1	Senior property custodian-auditor	35
10	Senior stenographic secretary	39
1	Stenographic secretary, grand jury	40
1	Supervising conciliation counselor	63
1	Supervising counselor, mental health	63
1	Supervising judicial secretary	46
1	Supervising juvenile traffic hearing officer	59
1	Supervising probate attorney	65
1	Supervising referee	70

Whenever a reference to a numbered salary schedule is made in this section that found in the salary ordinance of the County of Los Angeles shall apply. Reduction of the schedule applicable to a class by reason of the adoption of this salary plan or subsequent reclassification of positions for organizational purposes shall not result in a lower salary rate to incumbents of such positions. The court is authorized to regulate by rule the status of employees so affected.

All personnel appointed pursuant to this article shall serve at the pleasure of the court and may at any time be removed by the court in its discretion.

SEC. 6. Section 3.5 of this act shall take effect only if Senate Bill No. 171 is enacted into law at the 1967 Regular Session of the Legislature, and in such case at the same time as Senate Bill No. 171 takes effect, in which case Section 69894.3 of the Government Code as amended by Section 3 of this act is repealed.

CHAPTER 1522

An act to add Section 751.1 to, to amend Sections 748 and 753 of, and repeal Sections 759.1 and 759.2 of, the Streets and Highways Code, relating to junkyards.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 748 of the Streets and Highways Code is amended to read:

748. Any junkyard, scrap metal processing facility, or automobile dismantling facility lawfully maintained on the effective date of this section, shall, by January 1, 1968, or as soon thereafter as the federal share under Section 131 of Title 23, United States Code, is available for that purpose, be screened, if practical, by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of any highway included in the national system of interstate and defense highways or the federal-aid primary highway system, or shall otherwise be removed from sight of such highway, if any portion of the junkyard, scrap metal processing facility, or automobile dismantling facility is within 1,000 feet of the nearest edge of the right-of-way and if it is visible from the main traveled way of such highway. The department shall screen such junkyards, scrap metal processing facilities, and automobile dismantling facilities at locations on the highway right-of-way or in areas acquired for such purpose adjacent to the right-of-way.

SEC. 2. Section 751.1 is added to said code, to read:

751.1. The Legislature hereby declares that the acquisition of interests in real property to effect the screening, relocation,

removal, or disposal of junkyards, scrap metal processing facilities, or automobile dismantling facilities provided for in Section 751 constitutes a public use and purpose.

SEC. 3. Section 753 of said code is amended to read:

753. The cost of all screening and the maintenance thereof outside the highway right-of-way done pursuant to Sections 748 and 749 and the payment of just compensation made pursuant to Section 752 shall be paid from money in the State Highway Fund derived from the motor vehicle transportation license tax imposed pursuant to Part 4 (commencing with Section 9601) of Division 2 of the Revenue and Taxation Code.

SEC. 4. Sections 759.1 of said code is repealed.

SEC. 5. Section 759.2 of said code is repealed.

CHAPTER 1523

An act to amend Section 103.8 to the Streets and Highways Code, relating to highways.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 103.8 of the Streets and Highways Code is amended to read:

103.8. The department is authorized to give relocation advisory assistance to any family displaced because of acquisition or clearance of rights-of-way for any project on the state highway system.

In giving such assistance, the department may establish a local relocation advisory assistance office to assist in obtaining replacement facilities for all persons, families, and businesses which must relocate because of a state highway project. The department shall establish such a local relocation advisory assistance office in a location convenient to the project whenever the project affects a large group of persons having a low-income level and special replacement housing problems.

CHAPTER 1524

An act to amend Section 11628 of the Insurance Code, relating to discrimination in conduct of the insurance business.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 11628 of the Insurance Code is amended to read:

11628. No admitted insurer, licensed to issue motor vehicle liability policies as defined in Section 16450 of the Vehicle Code shall fail or refuse to accept an application for such insurance, to issue such insurance to an applicant therefor, or issue or cancel such insurance under conditions less favorable to the insured than in other comparable cases, except for reasons applicable alike to persons of every race, color, religion, national origin, ancestry, or the same geographic area; nor shall race, color, religion, national origin, ancestry, or location within a geographic area of itself constitute a condition or risk for which a higher rate, premiums, or charge may be required of the insured for such insurance.

As used in this section "geogaphic area" means a portion of this state of not less than 20 square miles defined by description in the rating manual of an insurer or in the rating manual of a rating bureau of which the insurer is a member or subscriber. A record of loss experience for such geographic area shall be available for examination by the commissioner.

CHAPTER 1525

An act to add Sections 23088 and 23089 to, to add Article 5 (commencing with Section 23090) to and to repeal Article 5 (commencing with Section 23090) of Chapter 1.5 of Division 9 of, and to repeal Section 24301 of, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 23088 is added to the Business and Professions Code, to read:

23088. Each order of the board on appeal from a decision of the department shall be in writing and shall be filed by delivering copies to the parties personally or by mailing copies to them by certified mail. Each such order shall become final upon being filed as provided herein, and there shall be no reconsideration or rehearing by the board.

SEC. 2. Section 23089 is added to the Business and Professions Code, to read:

23089. Final orders of the board may be reviewed by the courts specified in Article 5 (commencing with Section 23090) of this chapter within the time and in the manner therein specified and not otherwise.

SEC. 3. Article 5 (commencing with Section 23090) of Chapter 1.5 of Division 9 of the Business and Professions Code is repealed.

SEC. 4. Article 5 (commencing with Section 23090) is added to Chapter 1.5 of Division 9 of the Business and Professions Code, to read:

Article 5. Judicial Review

23090. Any person affected by a final order of the board, including the department, may, within the time limit specified in this section, apply to the Supreme Court or to the court of appeal for the appellate district in which the proceeding arose, for a writ of review of such final order. The application for writ of review shall be made within 30 days after filing of the final order of the board.

23090.1. The writ of review shall be made returnable at a time and place then or thereafter specified by court order and shall direct the board to certify the whole record of the department in the case to the court within the time specified. No new or additional evidence shall be introduced in such court, but the cause shall be heard on the whole record of the department as certified to by the board.

23090.2. The review by the court shall not extend further than to determine, based on the whole record of the department as certified by the board, whether:

(a) The department has proceeded without or in excess of its jurisdiction.

(b) The department has proceeded in the manner required by law.

(c) The decision of the department is supported by the findings.

(d) The findings in the department's decision are supported by substantial evidence in the light of the whole record.

(e) There is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the department.

Nothing in this article shall permit the court to hold a trial de novo, to take evidence, or to exercise its independent judgment on the evidence.

23090.3. The findings and conclusions of the department on questions of fact are conclusive and final and are not subject to review. Such questions of fact shall include ultimate facts and the findings and conclusions of the department. The board, the department, and each party to the action or proceeding before the board shall have the right to appear in the review proceeding. Following the hearing, the court shall enter judgment either affirming or reversing the decision of the department, or the court may remand the case for further proceedings before or reconsideration by the department.

23090.4. The provisions of the Code of Civil Procedure relating to writs of review shall, insofar as applicable, apply to proceedings in the courts as provided by this article. A copy of every pleading filed pursuant to this article shall be served

on the board, the department, and on each party who entered an appearance before the board.

23090.5. No court of this state, except the Supreme Court and the courts of appeal to the extent specified in this article, shall have jurisdiction to review, affirm, reverse, correct, or annul any order, rule, or decision of the department or to suspend, stay, or delay the operation or execution thereof, or to restrain, enjoin, or interfere with the department in the performance of its duties, but a writ of mandate shall lie from the Supreme Court or the courts of appeal in any proper case.

23090.6. The filing of a petition for, or the pendency of, a writ of review shall not of itself stay or suspend the operation of any order, rule, or decision of the department, but the court before which the petition is filed may stay or suspend, in whole or in part, the operation of the order, rule, or decision of the department subject to review, upon the terms and conditions which it by order directs.

23090.7. No decision of the department which has been appealed to the board and no final order of the board shall become effective during the period in which application may be made for a writ of review, as provided by Section 23090.

SEC. 5. Section 24301 of the Business and Professions Code is repealed.

CHAPTER 1526

An act to repeal Sections 12552 and 12554 of, to repeal Article 2 (commencing with Section 12601) of Chapter 7 of Division 9 of, to add Section 12552 to, and to add Article 2 (commencing with Section 12601) to Chapter 7 of Division 9 of, the Education Code, relating to compulsory continuation education.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 12552 of the Education Code is repealed.

SEC. 2. Section 12552 is added to the Education Code, to read:

12552. The complaint of any citizen of a school district that such school district has failed to meet the requirements of providing continuation education classes pursuant to this chapter shall be presented to the county superintendent of the county in which such district is located. If, upon investigation, the county superintendent of schools finds the complaint to be justified, he shall forward the complaint along with the results of his investigation to the Superintendent of Public Instruction who shall take steps to enforce compliance with the provisions of this chapter.

SEC. 3. Section 12554 of the Education Code is repealed.

SEC. 4. Article 2 (commencing with Section 12601) of Chapter 7 of Division 9 of the Education Code is repealed.

SEC. 5. Article 2 (commencing with Section 12601) is added to Chapter 7 of Division 9 of the Education Code, to read:

Article 2. Persons Exempt

12601. The governing board of a high school district shall only exempt from compulsory attendance in the continuation education classes minors who, because of mental or physical handicaps, have demonstrated their inability to benefit to any substantial degree from such classes.

CHAPTER 1527

An act to add Sections 13852, 13852.1, and 13852.2 to, and to repeal Section 13852 of, the Education Code, relating to state teachers' retirement.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 13852 of the Education Code is repealed.

SEC. 2. Section 13852 is added to the Education Code, to read:

13852. The position of Executive Officer of the State Teachers' Retirement System is abolished. Any reference to the Executive Officer of the State Teachers' Retirement System shall be deemed to refer to the Chief Executive Officer of the State Teachers' Retirement System as established by Section 13852.1.

SEC. 3. Section 13852.1 is added to the Education Code, to read:

13852.1. There is hereby created the position of Chief Executive Officer of the State Teachers' Retirement System, who shall be the chief administrative officer of the retirement system. Such office shall be filled by appointment by the Teachers' Retirement Board and such appointee shall serve at the pleasure of the board. The chief executive officer may administer oaths.

SEC. 4. Section 13852.2 is added to the Education Code, to read:

13852.2. The board shall appoint such employees as are necessary to administer the system.

CHAPTER 1528

An act to amend Section 10506 of the Insurance Code, relating to insurers, pension funds, separate accounts, and issuance of annuities.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 10506 of the Insurance Code is amended to read:

10506. (A) Any domestic life insurance company may, after adoption of a resolution by its board of directors, allocate to one or more separate accounts, in accordance with the terms of a written agreement which shall be filed with the Insurance Commissioner for approval, any amounts which are paid to the company in connection with a pension, retirement or profit-sharing plan, and which are to be applied in payment or in making provision for payment under the company's policies or contracts of retirement benefits, and other benefits incidental thereto, in fixed or variable dollar amounts, or both. The income, if any, and gains or losses, realized or unrealized, on each such account shall be credited to or charged against the amount allocated to the account in accordance with the agreement, without regard to the other income, gains or losses of the company. The amounts allocated to such accounts and accumulations thereon, by any life insurance company shall be invested and reinvested as specified in the agreement, except a domestic company shall invest or reinvest only in such investments described in Article 3 (commencing with Section 1170), and Article 4 (commencing with Section 1190) of Chapter 2, Part 2, Division 1. The limitations contained in Sections 1192.4 and 1198 are not applicable to such investments. Such investments shall not be included in determining the propriety of other investments of the company. The liability of the company with respect thereto, but only to the extent prescribed in the agreement, shall be shown on the statement of the company in the manner prescribed by the commissioner. Amounts allocated by an insurance company to separate accounts in the exercise of the power granted by this section shall be owned by the company, but shall not be chargeable with liabilities arising out of any other business the company may conduct except and to the extent provided in the agreement. The company shall not hold itself out to be a trustee in respect to such amounts.

(B) This section shall not apply to amounts contributed by a participant who is entitled to retirement or other incidental benefits under a pension, retirement or profit-sharing plan, except, this provision shall not be construed to prevent contribution of amounts by a participant or application of amounts to the purchase of retirement or other incidental benefits under pension, retirement and profit-sharing plans established pur-

suant to the Self-Employed Individuals' Tax Retirement Act of 1962 nor shall it be construed to prevent contribution or application of amounts to the purchase of retirement or other incidental benefits under pension or retirement plans established pursuant to the provisions of Section 403(b) of the Internal Revenue Code of 1954 as amended.

(C) The purpose and intent of this section is to permit the issuance and delivery of policies or contracts, in connection with a pension, retirement or profit-sharing plan, providing for the payment of benefits in fixed or variable amounts, or both, and the establishment of separate accounts by domestic companies for the administration of and investments under such agreements. To protect the public and policyholders located in this state from hazardous operation by domestic and foreign companies, and to further the purpose and provision of this section, no domestic or foreign life insurance company shall undertake the issuance of any contract providing for variable benefits until said company has satisfied the commissioner that it has been engaged in transacting the business of life insurance for a period of at least two years and that its condition or method of operation in connection with the issuance of such contracts will not be such as would render its operation hazardous to the public or its policyholders in this state. In determining the qualification of a company requesting authority to issue contracts providing for variable benefits within this state the commissioner will consider among other things, (a) the history of the company; (b) the character, responsibility and general fitness of the officers and directors of the company; and (c) the regulation of a foreign company by its state of domicile. The commissioner may make such reasonable rules and regulations as are necessary, proper and advisable concerning the issuance and delivery of such policies and contracts and the payment of benefits thereunder and the manner in which the separate accounts shall be administered.

Provided, however, that no company may provide variable benefits in its contracts unless it is an admitted insurer meeting, at the time it obtains approval from the Insurance Commissioner in accordance with subdivision (C), one or more of the following criteria:

1. It is a domestic insurer and has combined capital and surplus of at least five million dollars ($5,000,000) and has been admitted to California and under the same management for at least five years.

2. It is an admitted insurer and has combined capital and surplus of at least sixteen million dollars ($16,000,000) or admitted assets of at least two hundred fifty million dollars ($250,000,000).

3 It is an admitted insurer which has been admitted to California for at least five years and is presently controlled by: (a) an admitted insurer (owning 50 percent or more of its voting shares) which meets the criteria of paragraph 2 of this subdivision, or (b) an investment advisor (owning 50

percent or more of its voting shares) to an investment company or companies (as defined by the Investment Company Act of 1940, Title 15 U.S.C. Sec. 80a-1 et seq.), provided the aggregate assets of such investment company or companies total at least two hundred fifty million dollars ($250,000,000).

4. It is a domestic insurer which has been admitted to California for at least two years and is a wholly owned subsidiary of a domestic insurer having admitted assets in excess of one billion dollars ($1,000,000,000).

"Under the same management," as used in this section, means the insurer has been controlled by the same person or group of persons (owning 50 percent or more of its voting shares) for the time specified.

CHAPTER 1529

An act to amend Section 19556 of the Business and Professions Code, relating to horseracing.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 19556 of the Business and Professions Code is amended to read:

19556. Such distribution shall be made by such distributing agent to beneficiaries qualified under this article. For the purposes of this article, a beneficiary shall be:

(a) A nonprofit corporation or organization entitled by law to receive a distribution made by a distributing agent.

(b) Exempt or entitled to an exemption from the same taxes measured by income imposed by this state and the United States as those under which the distributing agent is exempt or entitled to an exemption.

(c) Engaged in charitable, benevolent, civic, religious, or veterans' work similar to that of agencies recognized by an organized community chest in the State of California, except that the funds so distributed may be used by such beneficiary for capital expenditures.

(d) Approved by the board.

No beneficiary otherwise qualified under this section to receive charity day net proceeds shall be excluded on the basis that such beneficiary provides charitable benefits to persons connected with the care, training, and running of racehorses, except that such a beneficiary shall make an accounting to the board within one calendar year of the date of receipt of any such distribution.

CHAPTER 1530

An act to add Section 217 to the Health and Safety Code, relating to emergency medical service.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 217 is added to the Health and Safety Code, to read:

217. All policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen in this state shall be trained to administer first aid. The training, which shall at least meet the standards of the standard American Red Cross training in first aid, shall be satisfactorily completed by such policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen, as soon as practical, but in no event more than one year after the date of employment. Satisfactory completion of a refresher course approved by the State Department of Public Health in first aid every three years shall also be required.

Presently employed policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen shall satisfactorily complete first aid training by July 1, 1969.

This section shall not apply to policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen whose duties are primarily clerical or administrative.

CHAPTER 1531

An act to amend Section 69995 of the Government Code, relating to courts.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 69995 of the Government Code is amended to read:

69995. In each county with a population of more than 110,000 and less than 120,000, as determined by the 1950 federal census, as full compensation for reporting the proceedings in criminal cases in the superior court, proceedings before the juvenile court, proceedings held under the provisions of Part 1 (commencing with Section 5000) of Division 6 of the Welfare and Institutions Code and proceedings held under the provisions of Chapter 4 (commencing with Section 7050) of Part 4

of Division 6 of the Welfare and Institutions Code, each regular official court reporter shall receive a monthly salary of six hundred fifty dollars ($650). On and after July 1, 1968, the monthly salary shall be seven hundred dollars ($700). All other fees of such reporters shall be as elsewhere provided by law. In cases where a pro tempore official reporter is appointed, he shall receive the fees elsewhere provided by law.

CHAPTER 1532

An act to add Sections 10560 and 10560.5 to the Welfare and Institutions Code, relating to public assistance recipients.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 10560 is added to the Welfare and Institutions Code, to read:

10560. The department and each county department shall, to the extent feasible, train recipients of public assistance and potential recipients for private employment or for government service. Employment by the state or counties shall be subject to applicable civil service and merit system requirements.

The provisions of this section may be accomplished in conjunction with the provisions of the contract between the department and the Department of Rehabilitation, Department of Education, or Department of Employment.

SEC. 2. Section 10560.5 is added to the Welfare and Institutions Code, to read:

10560.5. The department shall administer and establish a pilot program to determine the availability and effectiveness of training programs for public assistance recipients or potential recipients leading to gainful employment. Such training may include public or private trade schools and on-the-job training. This program shall give priority to persons in urban economically depressed areas who would most benefit.

A limited number of such recipients or potential recipients of public assistance with potential for employment shall be selected for enrollment in such training programs.

The Department of Social Welfare may contract with the Department of Rehabilitation, Department of Employment or Department of Education to make available funds for carrying out this pilot program in accordance with Section 284 of the Budget Act of 1967.

SEC. 3. The Department of Social Welfare shall report the results under this act to the Legislature by the fifth legislative day of the 1969 Regular Session.

CHAPTER 1533

An act to amend Sections 11553 and 12500 of, and to add Sections 11034 and 11550.5 to, the Government Code, and to add Section 17071.5 to the Revenue and Taxation Code, relating to state officers.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 11034 is added to the Government Code, to read:

11034. The Lieutenant Governor, Attorney General, State Controller, Secretary of State, Superintendent of Public Instruction, and the Treasurer shall each receive, in addition to his salary, and his actual necessary traveling expenses, an expense allowance for all ordinary and necessary expenses incurred in carrying out the functions and duties of his office, including ordinary and necessary expense incurred for entertainment, of not exceeding five thousand dollars ($5,000) per year.

SEC. 2. Section 11550.5 is added to the Government Code, to read:

11550.5. An annual salary of thirty thousand dollars ($30,000) shall be paid to each of the following:

(a) Lieutenant Governor
(b) Secretary of State
(c) State Controller
(d) State Treasurer
(e) Superintendent of Public Instruction

SEC. 3. Section 11553 of the Government Code is amended to read:

11553 An annual salary of twenty-five thousand dollars ($25,000) shall be paid to each member of the Public Utilities Commission.

SEC. 4. Section 12500 of the Government Code is amended to read:

12500. An annual salary of thirty-five thousand dollars ($35,000) shall be paid to the Attorney General. The annual salary of the Attorney General includes all services rendered ex officio as member of any board or commission.

SEC. 5. Section 17071.5 is added to the Revenue and Taxation Code, to read:

17071.5. Gross income does not include any amounts received by a taxpayer pursuant to Section 11034 of the Government Code.

SEC. 6. Sections 2, 3 and 4 of this act shall become operative on January 1, 1971.

CHAPTER 1534

An act to add Sections 26821.2, 26822.2, and 26826.2 to the Government Code, relating to fees.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 26821.2 is added to the Government Code, to read:

26821.2. In any county with population exceeding 4,000,000, the fee for the filing of the first paper in a civil action or special proceeding, except an adoption proceeding, is twenty-three dollars ($23); provided, however, in each civil action in which the demand is for one thousand dollars ($1,000) or less, the filing fee shall be twelve dollars ($12).

SEC. 2. Section 26822.2 is added to the Government Code, to read:

26822.2. In any county with population exceeding 4,000,000, the fee for filing the papers transmitted from another court on the transfer of a civil action or a special proceeding is twenty-three dollars ($23).

SEC. 3. Section 26826.2 is added to the Government Code, to read:

26826.2. In any county with population exceeding 4,000,000, upon filing the first paper in the action on behalf of any defendant, intervenor, respondent, correspondent, or adverse party, whether separately or jointly, except for the purpose of making disclaimer, the fee is seven dollars ($7).

As used in this section the word "paper" does not include a stipulation for the appointment of a judge pro tempore or of a court investigator or the report made by such investigator or the declaration of a spouse filed in an order to show cause proceeding.

SEC. 4. This act shall become operative only if Senate Bill 1154 or Assembly Bill 1711 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Senate Bill 1154 or Assembly 1711 takes effect.

CHAPTER 1535

An act to amend Section 14675.5 of the Education Code, relating to investment of funds of school district retirement plans.

[Approved by Governor August 28, 1967. Filed with Secretary of State August 28, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 14675.5 of the Education Code is amended to read:

14675.5. Notwithstanding anything in this code, a district retirement board may invest in an amount not exceeding 20 percent of the assets of such plan in securities, whether or not they are expressly authorized, and whether or not they qualify as investments for savings banks, in which in the informed opinion of the district retirement board it is prudent to invest retirement funds.

Any investments as are authorized by this section in corporation shares may under the advice of proper counsel be made in an amount, determined on the basis of cost, not to exceed 10 percent of the assets of the retirement fund in the first two years after the effective date of this section, not to exceed 15 percent during the third year after the effective date of this section, and not to exceed 20 percent thereafter, in common or preferred stock or shares, of corporations created or existing under the laws of the United States, or any state, district, or territory thereof; provided that

(a) Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended. Such registration shall not be required with respect to the following stocks:

(1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars ($50,000,000);

(2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars ($50,000,000);

(3) Any preferred stock.

(b) Such corporation has total assets of at least one hundred million dollars ($100,000,000);

(c) Bonds of such a corporation, if any are outstanding, qualify for investment of the Retirement Fund, and that there are no arrears of dividend payments on its preferred stock;

(d) Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such

dividends paid, and such corporation has paid an earned cash dividend in each of the last three years;

(e) Such investment in any one company may not exceed 5 percent of the common shares outstanding; and

(f) No single common stock investment, based on cost, may exceed 2 percent of the assets of the fund.

The board shall employ investment counsel or trust companies or trust departments of banks to render service in connection with the board's investment program in corporation shares.

CHAPTER 1536

An act to amend Sections 13511 and 20704 of, to add Sections 371, 372, 13529.5, 21116, and 21117 to, to repeal Section 805 of, to repeal Chapter 2 (commencing with Section 20601) of Division 16 of, and to add Chapter 2 (commencing with Section 20601) to Division 16 of, the Education Code, and to repeal Section 650 of, the Revenue and Taxation Code, relating to government finances, and making an appropriation therefor.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 371 is added to the Education Code, to read:

371. The Department of Education shall:

(a) Revise and update budget manuals, forms and guidelines.

(b) Cooperate with federal and state agencies in prescribing rules and regulations, and instructions required by such agencies.

(c) Assess the needs and methods of collecting and disseminating financial information.

(d) Conduct workshops and conferences for the purpose of training school district and county personnel.

(e) Provide consultant services to colleges and universities on courses of instruction relative to school budgets and accounting practices.

SEC. 3. Section 372 is added to the Education Code, to read:

372. The Department of Education shall cooperate with the Commission on School District Budgeting and Accounting; and shall as directed by the commission:

(a) Prepare and compile agenda items and research materials for the commission.

(b) Prepare and direct the execution of any provisions of agreements entered into by the commission for the formulation of a program budgeting and accounting system.

(c) Organize pilot projects for testing any program budgeting and accounting system.

(d) Recommend any change or revision of law necessary to effectuate any program budgeting and accounting system.

(e) Promote any program of budgeting and accounting system through cooperative working arrangements with interested public and private agencies and associations.

(f) Coordinate the budgeting and accounting activities of interested public and private agencies and associations.

SEC. 4. Section 805 of the Education Code is repealed.

SEC. 5. Section 13511 of the Education Code is amended to read:

13511. No order for a warrant, and no warrant drawn pursuant to Section 21116, shall be drawn in favor of any person employed in a position requiring certification qualifications, unless such person is at the time the holder of a proper certification document in full force for the full time for which the requisition or warrant, as the case may be, is drawn, and on file or registered as required by law at the time and unless he is employed by the governing board of the junior college district, unified school district, or district with over 10,000 average daily attendance or by the county superintendent of schools as provided in this code.

SEC. 6. Section 13529.5 is added to the Education Code, to read:

13529.5. Whenever reports are required to be filed with the county superintendent of schools by certificated employees of districts authorized to issue warrants under the provision of Section 21116 and such reports have not been filed, the county superintendent of schools may direct the district in writing to withhold the salary payment due the certificated employee involved. Said payment should not be released to the certificated employee until directed in writing by the county superintendent of schools.

SEC. 8. Chapter 2 (commencing with Section 20601) of Division 16 of the Education Code is repealed.

SEC. 9. Chapter 2 (commencing with Section 20601) is added to Division 16 of the Education Code, to read:

CHAPTER 2. BUDGET REQUIREMENTS AND BUDGET CALENDAR FOR SCHOOL DISTRICTS

Article 1. Budget Requirements

20601. As used in this article, "budget" includes the preliminary budget, the tentative budget and the final budget of a school district.

20602. Each budget shall show a complete plan and itemized statement of all proposed expenditures of the school district and of all estimated revenues for the ensuing fiscal year, together with a comparison as to each item of revenue

and expenditures, with the actual revenues and expenditures for the last completed fiscal year and the actual and estimated expenditures for the existing fiscal year. The county superintendent of schools shall from his own records supply to the school district any information that the school district may need to make the comparisons required by this section.

20603. Each budget shall be itemized to set forth the necessary revenues and expenditures, by functions and object, in each func to operate the public schools of the district as authorized by law and on forms prescribed by the Superintendent of Public Instruction.

20604. The budget may also contain an amount to be known as the general reserve in such sum as the governing board may deem sufficient, for the next succeeding fiscal year, to meet the cash requirements to which the district's credit may be legally extended for that portion of said next succeeding fiscal year until adequate proceeds of the taxes levied for, or apportionment of state funds made to, the district during such succeeding fiscal year are available to the district.

20605. The budget may also contain an amount to be known as the undistributed reserve. The funds in the undistributed reserve shall be available for appropriation by a two-thirds vote of the members of the governing board, to cover expenditures that have not been provided for or that may have been insufficiently provided for, or for unforeseen requirements as they may arise.

20606. Each budget shall be made in quintuplicate in the form and upon the blanks prescribed by the Superintendent of Public Instruction. It shall be the duty of the Superintendent of Public Instruction to prepare standard forms and blanks necessary to show the budgeting items and comparisons required by this article. Blanks shall be furnished to the school districts by the county superintendent of schools.

Article 2. Advisory Commission on School District Budgeting and Accounting

20621. There is in the state government the Advisory Commission on School District Budgeting and Accounting. It shall be comprised of 11 members. Nine of the members shall be appointed by the State Board of Education. One of the members shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Senate Committee on Rules. Each member shall serve at the pleasure of the appointing power.

The State Board of Education shall appoint members so that all of the following groups are represented:

(a) Organized taxpayer groups or associations.
(b) Business community.
(c) Education profession.
(d) County government.
(e) Governing boards of school districts.
(f) Accounting profession.

20622. The members of the commission shall serve without compensation but shall be reimbursed for necessary traveling and other expenses incurred in performing their duties and responsibilities.

20623. The commission shall serve as an advisory body to the State Board of Education on program budgeting and accounting systems for school districts. The commission may select and employ independent and qualified consultants to formulate the details of a program budgeting and accounting system for local school districts. The commission shall evaluate the report of the consultants and recommend to the State Board of Education procedures for implementing program budgeting and accounting for school districts. In evaluating such report, the commission may hold hearings in various parts of the state so as to give interested persons the opportunity to testify or present their view on the report, and shall submit its initial report to the State Board of Education not later than June 30, 1968.

20624. The provisions of this article, including the commission created under it, shall remain in effect until June 30, 1970.

SEC. 10. Section 20704 of the Education Code is amended to read:

20704. The board of supervisors shall determine the rate of district tax necessary to be levied as follows:

(a) They shall divide the amount of taxes as required to be raised by the unequalized value of the secured roll of the last assessment roll of the district after due allowance for delinquencies. The rate shall be such as will produce the amount determined as necessary to be raised by taxation on the secured roll.

(b) The allowance for delinquencies shall be fixed by determining for each of the last three preceding years the percentage as the total amount of taxes uncollected bears to the total amount of taxes levied for each such year.

SEC. 11. Section 21116 is added to the Education Code, to read:

21116. With the approval of the Superintendent of Public Instruction, the governing board of a junior college district, a unified school district, or district with over 10,000 average daily attendance may cause to be drawn all warrants on the county treasurer against all the funds, except debt service, of the district in the county treasury in the payment of the expenses of the district. The warrants shall be issued by a person designated as the district auditor or district disbursing officer for the school district on the county treasurer in favor of the persons entitled thereto in payment of all claims chargeable against the district which have been legally examined, allowed, and ordered paid by the governing board. The district auditor shall issue warrants on the county treasurer for all debts and demands against the district when the amounts are fixed by

law. The form of the warrant shall be as prescribed by the governing board and approved by the county auditor or county treasurer having jurisdiction.

Notwithstanding Section 21102 of the Education Code, the cost of printing the warrants shall be borne by the district.

No county officer shall be responsible for producing reports, statements, and other data relating to or based on these payments of the expenses of the districts. Those districts issuing warrants as provided by this section shall provide the county superintendent of schools, in the form prescribed by him, with the data necessary to make retirement reports and other reports required of him by law. All warrants, vouchers, and supporting documents shall be kept by the school districts that draw their own warrants.

Notwithstanding Section 27005 of the Government Code, or any other section requiring orders for warrants or warrants to be signed by the county superintendent of schools or the county auditor, or both, the county treasurer shall pay the warrant, if money is available.

Notwithstanding Section 17151 of the Education Code, except for assessing and tax collecting, the county auditor and the county treasurer may charge those districts that draw their own warrants for the cost of all fiscal services.

The person authorized by the governing board of the district to issue warrants pursuant to this section shall execute an official bond in an amount fixed by the governing board conditioned upon the faithful performance of his duties under this section. A county superintendent of schools or a county auditor shall not be liable under the terms of their bonds or otherwise for any warrant issued pursuant to this section. It is not intended that this provision shall be applied so as to impair the obligation of any contract in the bond of such officer in effect on the effective date of this section.

A listing of the warrants issued under this section by each school district shall be forwarded to the county auditor having jurisdiction upon his request, and to the county superintendent of schools having jurisdiction over the district on the same day warrants are issued. The listing, which may be magnetic tape, punched cards, or in other form, shall report, among other things, the warrant number, date of the warrant, amount of the warrant, the name of the payee, and the fund on which drawn.

The form and content of the warrant listing shall be as prescribed by the governing board and approved by the county auditor having jurisdiction.

Each junior college district, unified school district, or district with over 10,000 average daily attendance which issues warrants pursuant to this section shall furnish monthly to the county superintendent of schools and the county auditor of the county of jurisdiction, upon his request, a statement showing for the current fiscal year to date, for each required expenditure classification, the amount budgeted, actual expenditures, encumbrances and unencumbered balances.

In order to obtain the approval of the Superintendent of Public Instruction, a junior college district, a unified school district, or district with over 10,000 average daily attendance shall file a written application with the county superintendent of schools of jurisdiction on forms which the Superintendent of Public Instruction shall prescribe. Upon receipt of an application from the district, the county superintendent of schools shall cause a survey to be made of the district's accounting controls by an independent certified public accountant or public accountant. The certified public accountant or public accountant shall report his findings and recommendations to the county superintendent, county auditor, and to the applicant district. The county superintendent shall forward the district's application, together with his recommendations and the recommendations of the county auditor, and the report of survey, to the Superintendent of Public Instruction who shall approve or disapprove the application. The Superintendent of Public Instruction shall approve the application only if he finds the accounting controls of the district are adequate. If the Superintendent of Public Instruction determines that such controls are inadequate, he shall disapprove the application. The county superintendent of schools shall be reimbursed from the district funds for all costs incident to the accounting controls survey made pursuant to the district's application.

When approved by the Superintendent of Public Instruction, the issuance of warrants pursuant to this section shall be effective at the beginning of the fiscal year, provided that the approval had been made prior to the preceding first day of January. If disapproved, the Superintendent of Public Instruction and the county superintendent of schools shall state the specific steps which must be taken by the school district in order to receive approval. If at any time the county superintendent of schools determines that the accounting controls of the district have become inadequate, he may recommend to the Superintendent of Public Instruction that the approval be revoked effective at the first of the fiscal year next following.

SEC. 12. Section 21117 is added to the Education Code, to read:

21117. The provisions of Article 3 (commencing with Section 29850) of Chapter 5 of Division 3 of Title 3 of the Government Code shall be applicable to any junior college district, unified school district, or district with over 10,000 average daily attendance authorized to issue warrants pursuant to Section 21116; except that whenever any reference is made in said Article 3 to (1) the county auditor, or (2) the general fund of the county, such reference shall be deemed, for purposes of this section, to be to (1) the person authorized to issue warrants pursuant to Section 21116, and (2) the general fund of the school district, respectively.

SEC. 18. Section 650 of the Revenue and Taxation Code is repealed.

SEC. 20. Nothing in this act shall be construed to prevent or prohibit a school district from entering into contracts with any officer or agency of a county for the county officer or agency to prepare and process warrants which a school district is authorized by law to issue, or to render other fiscal services.

SEC. 21. There is hereby appropriated from the General Fund in the State Treasury to the State Department of Education the sum of forty thousand dollars ($40,000) to carry out the purposes of Sections 371 and 372 of, and Article 2 (commencing with Section 20621) of Chapter 2 of Division 16 of, the Education Code.

SEC. 42. The following sections of this act shall become operative on November 1, 1968: 8, 10, and 18. Article 1 (commencing with Section 20601) of Chapter 2 added to Division 16 of the Education Code by Section 9 of this act shall become operative on November 1, 1968. All other sections of this act shall become effective on the 61st day following the final adjournment of the 1967 Regular Session of the Legislature.

SEC. 43. This act shall be known as "The School Budget Act of 1967."

CHAPTER 1537

An act to add Section 1538.5 to, and to amend Sections 1238 and 1539 of, the Penal Code, relating to unreasonable searches and seizures.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1538.5 is added to the Penal Code, to read:

1538.5. (a) A defendant may move for the return of property or to suppress as evidence any tangible or intangible thing obtained as a result of a search or seizure on the ground that:

(1) The search or seizure without a warrant was unreasonable; or

(2) The search or seizure with a warrant was unreasonable because (i) the warrant is insufficient on its face; (ii) the property or evidence obtained is not that described in the warrant; (iii) there was not probable cause for the issuance of the warrant; (iv) the method of execution of the warrant violated federal or state constitutional standards; or (v) there was any other violation of federal or state constitutional standards.

(b) When consistent with the procedures set forth in this section and subject to the provisions of Section 170 through 170.6 of the Code of Civil Procedure, the motion should first

be heard by the magistrate who issued the search warrant if there is a warrant.

(c) Whenever a search or seizure motion is made in the municipal, justice or superior court as provided in this section, the judge or magistrate shall receive evidence on any issue of fact necessary to determine the motion.

(d) If a search or seizure motion is granted pursuant to the proceedings authorized by this section, the property or evidence shall not be admissible against the movant at any trial or other hearing unless further proceedings authorized by this section or Section 1238 or Section 1466 are utilized by the people.

(e) If a search or seizure motion is granted at a trial, the property shall be returned upon order of the court unless it is otherwise subject to lawful detention. If the motion is granted at a special hearing, the property shall be returned upon order of the court only if, after the conclusion of any further proceedings authorized by this section or Section 1238 or Section 1466, the property is not subject to lawful detention or if the time for initiating such proceedings has expired, whichever occurs last. If the motion is granted at a preliminary hearing, the property shall be returned upon order of court after 10 days unless the property is otherwise subject to lawful detention or unless, within that time, further proceedings authorized by this section or Section 1238 are utilized; if they are utilized, the property shall be returned only if, after the conclusion of such proceedings, the property is no longer subject to lawful detention.

(f) If the property or evidence relates to a felony offense initiated by a complaint, the motion may be made in the municipal or justice court at the preliminary hearing.

(g) If the property or evidence relates to a misdemeanor complaint, the motion shall be made in the municipal or justice court before trial and heard prior to trial at a special hearing relating to the validity of the search or seizure. If the property or evidence relates to a misdemeanor filed together with a felony, the procedure provided for a felony in this section and Sections 1238 and 1539 shall be applicable.

(h) If, prior to the trial of a felony or misdemeanor, opportunity for this motion did not exist or the defendant was not aware of the grounds for the motion, the defendant shall have the right to make this motion during the course of trial in the municipal, justice or superior court. Furthermore, the court in its discretion may entertain the motion during the course of the trial.

(i) If the property or evidence obtained relates to a felony offense initiated by complaint and the defendant was held to answer at the preliminary hearing, or if the property or evidence relates to a felony offense initiated by indictment, the defendant shall have the right to renew or make the motion in the superior court at a special hearing relating to the validity of the search or seizure which shall be heard prior to trial and

at least 10 days after notice to the people unless the people are willing to waive a portion of this time. The defendant shall have the right to litigate the validity of a search or seizure de novo on the basis of the evidence presented at a special hearing. After the special hearing is held in the superior court, any review thereafter desired by the defendant prior to trial shall be by means of an extraordinary writ of mandate or prohibition filed within 30 days after the denial of his motion at the special hearing.

(j) If the property or evidence relates to a felony offense initiated by complaint and the defendant's motion for the return of the property or suppression of the evidence at the preliminary hearing is granted, and if the defendant is not held to answer at the preliminary hearing, the people may file a new complaint or seek an indictment after the preliminary hearing, and the ruling at the prior hearing shall not be binding in any subsequent proceeding. If the property or evidence relates to a felony offense initiated by complaint and the defendant's motion for the return or suppression of the property or evidence at the preliminary hearing is granted, and if the defendant is held to answer at the preliminary hearing, the ruling at the preliminary hearing shall be binding upon the people unless, upon notice to the defendant and the court in which the preliminary hearing was held and upon the filing of an information, the people within 10 days after the preliminary hearing request in the superior court a special hearing, in which case the validity of the search or seizure shall be relitigated de novo on the basis of the evidence presented at the special hearing, and the defendant shall be entitled, as a matter of right, to a continuance of the special hearing for a period of time up to 30 days. If defendant's motion is granted at a special hearing in the superior court, the people, if they have additional evidence relating to the motion and not presented at the special hearing, shall have the right to show good cause at the trial why such evidence was not presented at the special hearing and why the prior ruling at the special hearing should not be binding, or the people may seek appellate review as provided in subdivision (o) of this section, unless the court prior to the time such review is sought has dismissed the case pursuant to Section 1385. If the property or evidence seized relates solely to a misdemeanor complaint, and the defendant made a motion for the return of property or the suppression of evidence in the municipal court or justice court prior to trial, both the people and defendant shall have the right to appeal any decision of that court relating to that motion to the superior court of the county in which such inferior court is located, in accordance with the California Rules of Court provisions governing appeals from municipal and justice courts in criminal cases. If the people prosecute review by appeal or writ to decision, or any review thereof, in a felony or misdemeanor case, it shall be binding upon them.

(k) If the defendant's motion to return property or suppress evidence is granted and the case is dismissed pursuant to Section 1385, or the people appeal in a misdemeanor case pursuant to subdivision (j) or the people file a petition for writ of mandate or prohibition pursuant to subdivision (o) or a notice of intention to file such petition, the defendant shall be released if he is in custody and not returned to custody unless the proceedings are resumed in the trial court and he is lawfully ordered by the court to be returned to custody.

(*l*) The trial of a criminal case shall be stayed to a specified date pending the termination in the appellate courts of the State of California of the proceedings provided for in this section, Section 1238, or Section 1466 and, except upon stipulation of the parties, pending the time for the initiation of such proceedings. Upon the termination of such proceedings, the defendant shall be brought to trial as provided by Section 1382, and subject to the provisions of Section 1382, whenever the people have sought and been denied appellate review pursuant to subdivision (o) of this section, the defendant shall be entitled to have the action dismissed if he is not brought to trial within 30 days of the date of the order which is the last denial of the petition. Nothing contained in this subdivision shall prohibit a court, at the same time as it rules upon the search and seizure motion, from dismissing a case pursuant to Section 1385 when such dismissal is upon the court's own motion and is based upon an order at the special hearing granting defendant's motion to return property or suppress evidence. In a misdemeanor case, the defendant shall be entitled to a continuance of up to 30 days if he intends to file a motion to return property or suppress evidence and needs this time to prepare for the special hearing on the motion. In case of an appeal by the defendant in a misdemeanor case from the denial of such motion, he shall be entitled to bail as a matter of right, and, in the discretion of the trial or appellate court, may be released on his own recognizance pursuant to Section 1318.4.

(m) The proceedings provided for in this section, Section 995, Section 1238, and Section 1466 shall constitute the sole and exclusive remedies prior to conviction to test the unreasonableness of a search or seizure where the person making the motion for the return of property or the suppression of evidence is a defendant in a criminal case and the property or thing has been offered or will be offered as evidence against him. A defendant may seek further review of the validity of a search or seizure on appeal from a conviction in a criminal case notwithstanding the fact that such judgment of conviction is predicated upon a plea of guilty. Such review on appeal may be obtained by the defendant providing that at some stage of the proceedings prior to conviction he has moved for the return of property or the suppression of the evidence.

(n) Nothing contained in this section shall prohibit a person from making a motion, otherwise permitted by law, to return property, brought on the ground that the property obtained is

protected by the free speech and press provisions of the federal and state constitutions. Nothing in this section shall be construed as altering (i) the law of standing to raise the issue of an unreasonable search or seizure; (ii) the law relating to the status of the person conducting the search or seizure; (iii) the law relating to the burden of proof regarding the search or seizure; (iv) the law relating to the reasonableness of a search or seizure regardless of any warrant which may have been utilized; or (v) the procedure and law relating to a motion made pursuant to Section 995 or the procedures which may be initiated after the granting or denial of such a motion.

(o) Within 30 days after a defendant's motion is granted at a special hearing in the superior court, the people may file a petition for writ of mandate or prohibition, seeking appellate review of the ruling regarding the search or seizure motion. If the trial of a criminal case is set for a date which is less than 30 days from the granting of a defendant's motion at a special hearing in the superior court, the people, if they have not filed such a petition and wish to preserve their right to file such a petition shall file in the superior court on or before the trial date or within 10 days after the special hearing, whichever occurs last, a notice of intention to file such a petition and shall serve a copy of the notice upon the defendant.

SEC. 2. Section 1539 of the Penal Code is amended to read:

1539. (a) If a special hearing be held in the superior court pursuant to Section 1538.5, or if the grounds on which the warrant was issued be controverted and a motion to return property be made (i) by a defendant on grounds not covered by Section 1538.5; (ii) by a defendant whose property has not been offered or will not be offered as evidence against him; or (iii) by a person who is not a defendant in a criminal action at the time the hearing is held, the judge or magistrate must proceed to take testimony in relation thereto, and the testimony of each witness must be reduced to writing and authenticated by a shorthand reporter in the manner prescribed in Section 869.

(b) The reporter shall forthwith transcribe his shorthand notes pursuant to this section if any party to a special hearing in the superior court files a written request for its preparation with the clerk of the court in which the hearing was held. The reporter shall forthwith file in the superior court an original and as many copies thereof as there are defendants (other than a fictitious defendant) or persons aggrieved. The reporter shall be entitled to compensation in accordance with the provisions of Section 869. In every case in which a transcript is filed as provided in this section, the county clerk shall deliver the original of such transcript so filed with him to the district attorney immediately upon receipt thereof and shall deliver a copy of such transcript to each defendant (other than a fictitious defendant) upon demand by him without cost to him.

SEC. 3. Section 1238 of the Penal Code is amended to read:

1238. An appeal may be taken by the people:

1. From an order setting aside the indictment, information, or complaint;

2. From a judgment for the defendant on a demurrer to the indictment, accusation, or information;

3. From an order granting a new trial;

4. From an order arresting judgment;

5. From an order made after judgment, affecting the substantial rights of the people;

6. From an order modifying the verdict or finding by reducing the degree of the offense or the punishment imposed;

7. From an order dismissing a case prior to trial made upon motion of the court pursuant to Section 1385 whenever such order is based upon an order granting defendant's motion to return or suppress property or evidence made at a special hearing as provided in this code.

CHAPTER 1538

An act to amend Sections 16645.1, 16645.2, 16645.3, 16645.4, and 16645.5 of, to amend and renumber Sections 16645.11, 16645.12, 16645.12a, 16645.13, 16645.14, 16645.15, 16645.17, 16645.18, 16645.19, 16645.20, 16645.21, 16645.22, 16645.23, 16645.24, 16645.25, 16645.26, 16645.28, and 16645.29 of, and to repeal Sections 16645.8, 16645.9, 16645.10, 16645.16, and 16645.27 of the Education Code, relating to development centers for handicapped minors, and making an appropriation therefor.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 16645.1 of the Education Code is amended to read:

16645.1. The purpose of the Legislature in enacting this article is to continue these development centers for physically handicapped and mentally retarded minors having successfully demonstrated that there is a need for such facilities to help these children from an earlier age, that such development centers prevent the breakup of homes through respite from continuous 24-hour care of severely handicapped minors, that such development centers effectively relieve parents to engage in work, that the centers reduce significantly the demand for institutional placement, and that the centers are accessible to families without causing the physical dislocation of minors from their families.

SEC. 2. Section 16645.2 of the Education Code is amended to read:

16645.2. The governing body of any school district or a county superintendent of schools with the approval of the county board of education is authorized to establish and maintain, upon the approval of the Superintendent of Public Instruction, one or more development centers for physically handicapped and mentally retarded minors between 3 years and 21 years of age residing in, and in the custody of persons residing in, the district or county. The governing body or county superintendent shall determine the hours, days, and months during which the development center is to be maintained.

The establishment and maintenance of any development center for physically handicapped and mentally retarded minors by the county superintendent of schools shall be undertaken subject to the prior approval of the county board of education, upon the application of one or more school districts under his jurisdiction, and such establishment and maintenance shall be upon such terms and conditions as may be provided for in a written contract between the county superintendent of schools and the governing body of any school district.

SEC. 3. Section 16645.3 of the Education Code is amended to read:

16645.3. As used in this article (commencing at Section 16645.1) "parent" includes any person having legal custody of a child, "child care center" means a development center for mentally retarded and physically handicapped children, "governing board of any school district" includes a county board of education, and "school district" includes a county superintendent of schools, unless a different meaning clearly appears from the context.

SEC. 4. Section 16645.4 of the Education Code is amended to read:

16645.4. The Superintendent of Public Instruction shall establish and enforce reasonable and uniform standards for development centers for handicapped minors, and shall establish standards for the admission of a child. He may change the standards whenever he deems it advisable.

SEC. 5. Section 16645.5 of the Education Code is amended to read:

16645.5. A governing board maintaining a development center may accommodate in the center children residing in another district upon such terms and under such conditions as may be agreed upon by the governing boards of both districts. Such terms and conditions shall include the payment of the cost required or authorized to be paid from the district general fund or a special development center tax levied by the operating district. The amount shall be paid from any funds of the contracting school district available for that purpose.

SEC. 6. Section 16645.8 of the Education Code is repealed.

SEC. 7. Section 16645.9 of the Education Code is repealed.

SEC. 8. Section 16645.10 of the Education Code is repealed.

SEC. 9. Section 16645.11 of the Education Code is amended and renumbered to read:

16645.8. The Superintendent of Public Instruction shall apportion state funds to the districts or county superintendents of schools in such amounts as are necessary for the operation of such development centers, except that in no event shall the amount apportioned exceed the sum obtained by multiplying one dollar and seventy-five cents ($1.75) and the number of hours of child attendance earned by such center.

SEC. 10. Section 16645.12 of the Education Code is amended and renumbered to read:

16645.9. Pursuant to Sections 20501 to 21001 inclusive, the governing board of any school district or county superintendent of schools maintaining a development center may include in its budget the amount necessary to carry out its program pursuant to this article (commencing at Section 16645.1) and the board of supervisors shall levy a school district tax or county tax necessary to raise such amount. The tax shall be in addition to any other school district tax or county tax authorized by law to be levied.

Funds derived from such tax may be expended in addition to state funds, and shall not operate to affect the operation of the formula for apportioning state funds provided for in Section 16645.8.

SEC. 11. Section 16645.12a of the Education Code is amended and renumbered to read:

16645.10. Any school district the governing body of which has entered into a contract with the county superintendent of schools for the establishment of a development center for physically handicapped and mentally retarded minors pursuant to Section 16645.2 shall be deemed for the purpose of Section 16645.9 to be maintaining a development center.

SEC. 12. Section 16645.13 of the Education Code is amended and renumbered to read:

16645.11. The governing board shall establish in the county treasury a fund to be known as the "development center for handicapped minors fund" into which shall be paid all funds received by the district for, or from the operation of, development centers established under this article (commencing at Section 16645.1). The costs incurred in the maintenance and operation of development centers shall be paid from the fund, except that any contributions authorized or required to be paid by the district on account of services of employees of a development center to a retirement system shall be paid from the general fund of the district or from funds of the district derived from a special tax levied pursuant to Section 14657 or 14758 of the Education Code or Section 20532 of the Government Code.

No other funds of a district derived from the receipts of district taxes except a district tax levied under Section 16645.9, or derived from moneys apportioned to the district for the support of the schools thereof, except state moneys expressly appropriated from the General Fund for the support of development centers, may be expended for, or in connection with, a development center.

SEC. 13. Section 16645.14 of the Education Code is amended and renumbered to read:

16645.12. If during any fiscal year there is apportioned to the "development center fund" more or less than the amount to which the fund was entitled, the Superintendent of Public Instruction during the next or any succeeding fiscal year shall withhold from, or add to, the apportionment during such next or succeeding year, the amount of such excess or deficiency.

SEC. 14. Section 16645.15 of the Education Code is amended and renumbered to read:

16645.13. The State Department of Education is hereby authorized to accept funds from the Government of the United States and to apportion them to the governing board of such school districts as conduct development centers which are hereby authorized to accept such funds or funds from any other source for any of the purposes of this article (commencing at Section 16645.1) and all such funds may be accepted subject to such conditions as will further the purposes of this article (commencing at Section 16645.1).

SEC. 15. Section 16645.16 of the Education Code is repealed.

SEC. 16. Section 16645.17 of the Education Code is amended and renumbered to read:

16645.14. The Superintendent of Public Instruction shall establish standards for the issuance of permits for persons to be employed in development centers established under this article (commencing at Section 16645.1). Such standards may be changed from time to time, but changes therein shall not affect then valid permits issued to persons.

SEC. 17. Section 16645.18 of the Education Code is amended and renumbered to read:

16645.15. The governing board shall employ in a development center only such persons who hold permits issued by the Superintendent of Public Instruction. The filing with the county superintendent of schools of a regulation of a governing board or a public health agency requiring a physical examination of persons employed in development centers shall be deemed to be the issuance of a valid permit except for persons employed in positions pertaining to the care and guidance of children or supervision of a development center program. Each person employed by the govering board of a school district for a position requiring a permit shall, not later than 60 days after the date fixed by the governing board of the district for the commencement of

his service, file with the county superintendent of schools a valid permit issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, file the renewed permit in the same manner.

SEC. 18. Section 16645.19 of the Education Code is amended and renumbered to read:

16645 16. Each person employed by a school district or a county superintendent of schools in a development center under the provisions of this article (commencing at Section 16645.1) shall be deemed for all purposes, including retirement, to be a person employed by the school district in a position not requiring certification qualifications; provided, however, that any person who is a member of the State Teachers' Retirement System because of employment to perform duties which are requisite for membership and who subsequently is employed by a school district or a county superintendent of schools in a development center under the provisions of this article (commencing with Section 16645.1) shall continue to be a member of the State Teachers' Retirement System with respect to his duties as such employee in such a development center upon assuming such duties, unless he elects by a writing filed in the office of the State Teachers' Retirement System within 90 days after such entry, not to continue as a member with respect to his new duties. The provisions of this section shall apply with equal effect to any member who shall have been employed by a school district or county superintendent of schools in a development center under the provisions of this article prior to the effective date of this section. Continuance of his membership in the State Teachers' Retirement System of any person so employed prior to the effective date of this section, is hereby ratified, validated and confirmed, and for all purposes he shall be considered as having been a member without interruption as far as such employment is concerned, unless such person elects within 90 days after the date upon which notice of such right to elect, is mailed by the State Teachers' Retirement System to the member's latest address on file in the office of said system, not to be a member of the system with respect to the duties which, but for the provisions of this section, otherwise would not be requisite for membership therein.

SEC. 19. Section 16645.20 of the Education Code is amended and renumbered to read:

16645 17. The governing board may adopt such reasonable rules and regulations governing the development center or centers maintained by it as are not in conflict with law or the standards and regulations established for development centers by the Superintendent of Public Instruction. The rules and regulations adopted by the governing board may include, among others, rules and regulations relating to the admission of children to, and their exclusion from, such center or centers.

SEC. 20. Section 16645.21 of the Education Code is amended and renumbered to read:

16645.18. No standard, rule or regulation shall require medical examination or immunization for admission to a development center of a child whose parent or guardian files a letter with the governing board of the school district stating that such medical examination or immunization is contrary to his or her religious beliefs, or provide for the exclusion of a child from the center because of parent or guardian having filed such a letter; provided, however, that whenever there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child may be temporarily excluded from the center until the governing board of the school district is satisfied that any contagious or infectious disease does not exist.

SEC. 21. Section 16645.22 of the Education Code is amended and renumbered to read:

16645.19. Children regularly enrolled in a development center who are absent on account of illness or quarantine shall be considered to be in regular attendance for the number of hours per day for which they are enrolled for the purpose of reporting attendance for state apportionments, whenever the school district certifies that such absence was on account of illness or quarantine and is verified by the district in such manner as the Superintendent of Public Instruction shall require. All attendance shall be recorded and reported in accordance with the requirements of the Superintendent of Public Instruction.

SEC. 22. Section 16645.23 of the Education Code is amended and renumbered to read:

16645.20. Any development center may be discontinued at any time at the discretion of the governing board of the district upon the giving of the notice herein prescribed.

Not less than 30 days before the discontinuance of a development center the governing board shall mail to each person having custody of a child in attendance at such development center a notice of the intended discontinuance of the development center and the date the discontinuance will become effective, and shall post a similar notice at the development center.

SEC. 23. Section 16645.24 of the Education Code is amended and renumbered to read:

16645.21. Any unencumbered balance remaining in a district "development center for handicapped minors fund" may be deposited in the general fund of the school district one year after the discontinuance of its child care center program pursuant to Section 16645.20.

SEC. 24. Section 16645.25 of the Education Code is amended and renumbered at read:

16645.22. The governing board shall insure against the liability, other than a liability which may be insured against under Division 4 of the Labor Code, imposed upon the district by any law of this state, in any insurance company authorized

to do business in this state. The cost of such insurance shall be paid out of the "development center for handicapped minors fund" of the district.

SEC. 25. Section 16645.26 of the Education Code is amended and renumbered to read:

16645.23. An Advisory Committee on Development Care Centers for mentally retarded and physically handicapped minors shall be established to aid in setting standards for admission to centers, and to advise the Department of Education in the administration and operation of centers. The advisory committee shall consist of one member from the Department of Social Welfare to be appointed by the Director of Social Welfare, one member from the Department of Mental Hygiene to be appointed by the Director of Mental Hygiene, one member from the Department of Public Health to be appointed by the Director of Public Health, one member from the Department of Education to be appointed by the Director of Education, one lay member from the general public and one parent of a handicapped minor to be appointed by the Director of Education, and four members each from a school district or a county superintendent of schools office participating in the program to be appointed by the Director of Education. The member from the Department of Education shall serve as secretary of the committee.

All meetings of the committee shall be open and public and all persons shall be permitted to attend any meetings of the committee.

SEC. 26. Section 16645.27 of the Education Code is repealed.

SEC. 27. Section 16645.28 of the Education Code is amended and renumbered to read:

16645.24. The governing board of any school district, or any county superintendent of schools, may provide for the transportation of children between their homes and the center attended by them as provided by a school district. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools an amount equal to the current expense of transporting severely handicapped children, but not to exceed the cost of six hundred seventy-five dollars ($675), for each unit of average daily attendance in a development center per year resulting from the attendance of such children transported between home and the center. Average daily attendance as used herein shall be determined on the basis of 250 days per year.

SEC. 28. Section 16645.29 of the Education Code is amended and renumbered to read:

16645.25. The Superintendent of Public Instruction shall provide coordinative, consultant, and supervisory services for programs for development centers for handicapped minors and shall employ personnel who shall devote their entire time to the provision of such services.

SEC. 29. The sum of two million two hundred thousand dollars ($2,200,000) is hereby appropriated from the General Fund to the Department of Education for the support of development centers for handicapped minors.

CHAPTER 1539

An act to add Sections 21643 and 21644 to the Public Utilities Code, relating to obstructions near airports.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 21343 is added to the Public Utilities Code, to read:

21643. After the effective date of this section, no person shall construct any structure or permit any natural growth to grow within one statute mile of the exterior boundary of any airport open to public use at such height as to constitute a hazard to air navigation, as a hazard to air navigation is defined in accordance with Part 77 of the Federal Aviation Regulations of the Federal Aviation Agency, unless a permit allowing such construction or growth is issued by the division, provided, however, that such permit shall not be required if the Federal Aviation Agency has determined that such construction or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation; and provided further, however, that this section shall not apply to a pole, pole line, distribution or transmission tower or tower line, or substation of a public utility. The foregoing exceptions to this section shall continue, however, to be subject to the provisions of Section 21645.

SEC. 2. Section 21644 is added to said code, to read:

21644. The division may refuse issuance of a permit under Section 21643 if it determines, after notice and hearing held pursuant to this part, that the construction of the structure or growth of the natural growth would constitute a hazard to air navigation or create an unsafe condition for air navigation.

Any person aggrieved by the action of the division pursuant to this section may have such action reviewed by the courts in the manner provided by law.

CHAPTER 1540

An act to add Section 8523 to, and to add Article 7 (commencing with Section 12070) to Chapter 1, Part 2, Division 3, Title 2 of, the Government Code, relating to executive reorganization.

[Approved by Governor August 30, 1967 Filed with Secretary of State August 30, 1967]

The people of the State of California do enact as follows:

SECTION 1. Section 8523 is added to the Government Code, to read:

8523. The Governor shall submit to the commission for study and recommendation any reorganization plan which he intends to submit to the Legislature pursuant to authority vested in the Governor by the Legislature under Section 6 of Article V of the Constitution. The commission shall make its report to the Governor and the Legislature within 30 days of the date on which the Governor submits any such plan to the Legislature. The commission may, on its own initiative, undertake a study of any reorganization proposal submitted to the Legislature and make reports to the Governor and the Legislature as it deems necessary.

SEC. 2. Article 7 (commencing with Section 12070) is added to Chapter 1, Part 2, Division 3, Title 2 of the Government Code, to read:

Article 7. Executive Reorganization

12070. As used in this article:

(a) "Agency" means any statewide office, nonelective officer, department, division, bureau, board, commission or agency in the executive branch of the state government, except that it shall not apply to any agency whose primary function is service to the Legislature or judicial branches of state government or to any agency that is administered by an elective officer. "Agency that is administered by an elective officer" includes the State Board of Equalization but not a board or commission on which an elective officer serves in an ex officio capacity.

(b) "Reorganization" means:

(1) The transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

(2) The abolition of all or any part of the functions of any agency; or

(3) The consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(4) The consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) The authorization of any nonelective officer to delegate any of his functions; or

(6) The abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of a reorganization plan will not have, any functions.

(7) The establishment of a new agency to perform the whole or any part of the functions of an existing agency or agencies.

12071. The Governor, from time to time, shall examine the organization of all agencies and shall determine what changes therein are necessary to accomplish one or more of the following purposes:

(a) To promote the better execution of the laws, the more effective management of the executive and administrative branch of the state government and of its agencies and functions and the expeditious administration of the public business;

(b) To reduce expenditures and promote economy to the fullest extent practicable consistent with the efficient operation of the state government;

(c) To increase the efficiency of the operation of the state government to the fullest extent practicable;

(d) To group, consolidate and coordinate agencies and functions thereof as nearly as possible according to major purposes;

(e) To reduce the number of agencies by consolidating those having similar functions under a single head and to abolish such agencies or functions thereof as may not be necessary for the efficient operation of the state government;

(f) To eliminate overlapping and duplication of effort.

The Legislature declares that the public interest requires the carrying out of the purposes set forth in this section, and that such purposes may be accomplished more speedily and effectively under this article than by the enactment of specific legislation.

12072. Whenever the Governor finds that reorganization is in the public interest, he shall prepare one or more reorganization plans and transmit each, bearing an identifying number, to the Legislature, with a declaration that, with respect to each reorganization included in the plan, he has so found. The delivery to both houses shall be within the first 60 calendar days of a regular session of the Legislature. The Governor, in his message transmitting a reorganization plan, shall explain the advantages which it is probable will be brought about by the taking effect of the reorganization included in the plan, and he shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function.

12073. Each reorganization plan transmitted by the Governor under this article:

(a) May change the name of any agency affected by a reorganization and the title of its head, and shall designate the name of any agency resulting from a reorganization and the title of its head;

(b) May include provisions, in accordance with Article XXIV of the Constitution, for the appointment of the head and one or more other officers of any agency, including an agency resulting from a consolidation or other type of reorganization, if the Governor finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan such provisions are in the public interest. The head so provided for may be an individual, or may be a commission or board with two or more members, but in any case the appointment of such agency head shall be subject to confirmation by the Senate. The term of office of any appointee, if any is provided, shall be fixed at not more than four years. The Legislature shall fix the compensation of all such department heads and such officers as are not subject to the provisions of Article 24 of the California Constitution.

(c) Shall make provision for the transfer of employees serving in the state civil service, other than temporary employees, who are engaged in the performance of a function transferred to another agency, or engaged in the administration of a law, the administration of which is transferred to such agency, by the reorganization plan. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position exempt from civil service.

(d) Shall make provision for the transfer or other disposition of the personnel records and property, affected by any reorganizations;

(e) Shall make provision for the transfer of such unexpended balances of appropriations and of other funds available for use in connection with any function or agency affected by a reorganization, as he deems necessary by reason of the reorganization, for use in connection with the functions affected by the reorganization, or for the use of the agency which has such functions after the reorganization plan is effective. Unexpended balances so transferred shall be used only for the purpose for which the appropriation was originally made;

(f) Shall make provision for terminating the affairs of any agency abolished;

(g) Shall enumerate all acts of the Legislature which will be suspended if the reorganization plan becomes effective.

12074. No reorganization plan shall provide for, and no reorganization under this article shall have the effect of:

(a) Continuing any agency beyond the period authorized by law for its existence, or beyond the time when it would have terminated if the reorganization had not been made;

(b) Continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made;

(c) Authorizing any agency to exercise any function which is not expressly authorized by law to be exercised by an agency in the executive branch at the time the plan is transmitted to the Legislature;

(d) Increasing the term of any office beyond that provided by law for the office; or

(e) Abolishing any agency created by the California Constitution, or abolishing or transferring to the jurisdiction and control of any other agency any function conferred by the California Constitution on an agency created by that Constitution.

12075. Any reorganization plan transmitted to the Legislature pursuant to this article shall become effective on the first day after final adjournment of the regular session unless during such session either house of the Legislature determines that further study of such plan is needed and assigns such plan for study to a committee.

12076. No reorganization plan shall have the effect of limiting in any way the validity of any statute enacted, or any regulation or other action made, prescribed, issued, granted or performed in respect to or by any agency before the effective date of the reorganization plan except to the extent that the plan specifically so provides.

As used in this section "regulation or other action" means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

12077. No suit, action or other proceeding lawfully commenced by or against the head of any agency or other officer of the state, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this article.

12078. From the effective date of a reorganization plan, and as long as it is in effect, the operation of any prior act of the Legislature inconsistent therewith shall be suspended insofar as it is inconsistent with the reorganization plan.

12079. Each reorganization plan which takes effect shall be printed in the same volume as the acts of the session of the Legislature to which it was submitted.

12080. The Legislative Counsel shall prepare for introduction not later than the next regular session of the Legislature occurring more than 90 days after that in which a Governor's reorganization plan takes effect a bill effecting such changes in the statutes as may be necessary to reflect the changes made by the reorganization plan.

The purpose of this section is to insure that statutory law is amended to conform with the changes made by the reorganization plan, but failure to enact such a bill shall not affect the validity of the plan.

12081. It is the intention of the Legislature in delegating legislative power to the Governor by this article pursuant to the authorization contained in Section 6 of Article V of the California Constitution to retain the right of review of the Governor's action by means of action by either house of the Legislature recommending study of any proposal submitted to it.

12082. The authority of the Governor to transmit reorganization plans pursuant to Section 12072 shall remain in effect until December 31, 1969.

If any provision of this act or the application thereof, except Section 12075, to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act, except Section 12075, are severable

SEC. 3. Section 2 of this act becomes operative only if Assembly Bill No. 2522 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as said act takes effect.

CHAPTER 1541

An act to add Section 16618.5 to the Education Code, relating to children's centers.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 16618.5 is added to the Education Code, to read:

16618.5. Whenever a school district or county superintendent of schools is required to temporarily close a children's center maintained under this article or a child care center for mentally retarded or physically handicapped minors maintained under Article 2 of this chapter, because of fire, flood, epidemic, an order described in Section 17553, or other emergency, the Superintendent of Public Instruction shall determine the approximate amounts of state funds which would have been apportioned under the applicable provisions of this chapter to the school district or county superintendent for the period involved if there had been no such closure. The amount so determined shall be apportioned to the school district or county superintendent of schools, provided that the fact of such closure has been established to the satisfaction of

the Superintendent of Public Instruction by the affidavits of the county superintendent of schools and of the members of the governing board of any school district involved. The amount so determined shall be apportioned to the school district or county superintendent of schools even though no fee is charged or collected from parents of children who attend such center.

SEC. 2. This act shall be operative with respect to emergency closures of children's centers which occurred after July 1, 1965.

CHAPTER 1542

An act to amend Sections 6701, 6702, 6703, 6704, 6705, 6706, 6708, 6709, 6710, 6711, 6712, 6713, 6715, and 8481 of, and to add Sections 6717, 6718, and 6719 to, the Education Code, and to add Article 18 (commencing with Section 940) to Chapter 2 of Part 1 of Division 1 of the Welfare and Institutions Code, relating to special school programs.

[Approved by Governor August 30, 1967 Filed with Secretary of State August 30, 1967]

The people of the State of California do enact as follows:

SECTION 1. Section 6701 of the Education Code is amended to read:

6701. The purpose of this article (commencing at Section 6701) is to provide for the operation of 24-hour elementary schools, established pursuant to Article 18 (commencing with Section 940) of Chapter 2 of Part 1 of Division 1 of the Welfare and Institutions Code, for minors between the ages of 8 and 16 years and to provide for the attendance, maintenance, care, home supervision, guidance, observation, and education of minors attending the schools, and to provide the minors with such vocational, homemaking, mental, moral, physical, and other training as will tend to strengthen and develop them and enable them to become good and useful citizens. The staff of every 24-hour school shall make adjustment as rapidly as possible in order that the period of time the child is away from ordinary community life may be as brief as possible. They shall place the minors in properly licensed children's institutions where they will be assured of suitable educational opportunities, and shall cooperate with child placement agencies to this end and to stimulate proper care of the minors by their parents.

For purposes of this article, the county superintendent of schools shall have the primary authority to provide for the education and training of minors in 24-hour schools within his county.

SEC. 2. Section 6702 of the Education Code is amended to read:

6702. This article (commencing at Section 6701) shall be construed in conformity with the intent as well as the express provisions thereof and shall confer upon the county probation officer, and the county superintendent or governing board, as the case may be, of any 24-hour school that may be created, authority to do all those lawful acts which it may deem necessary to promote the prosperity of the school, or to promote the well-being and education of all minors entrusted to its charge.

SEC. 3. Section 6703 of the Education Code is amended to read:

6703. The county superintendent of schools or the governing board of the district, as the case may be, which shall have, in reference to 24-hour schools, the same powers and duties which are now or may hereafter be assigned by law for the management of other schools. A 24-hour school established by a school district maintaining elementary schools shall be one of the public elementary schools of the district. The average daily attendance of each such school shall be reported to the Superintendent of Public Instruction for purposes of allowances and apportionments from the State School Fund in the manner otherwise prescribed by and pursuant to law.

SEC. 4. Section 6704 of the Education Code is amended to read:

6704. The cost of securing sites or constructing and equipping buildings and in general the cost of housing and equipping any 24-hour school, including the necessary dormitories, dining halls, and other living quarters for pupils and employees of the county or the district shall be a charge against the funds of the county or school district maintaining it. The county superintendent or governing board of any district, as the case may be, may employ such principals, assistants, teachers, and employees as it deems necessary for the proper conduct of the 24-hour school and may pay them from available funds. The expenses of lodging and boarding pupils residing within the buildings of any 24-hour school shall be paid from the sums received from contracts with the parents or guardians of the pupils, or from the funds of the county within which the school is located paid to the school district, if applicable, in pursuance of court orders for the maintenance of pupils.

SEC. 5. Section 6705 of the Education Code is amended to read:

6705. The superintendent appointed pursuant to Section 942 of the Welfare and Institutions Code may reside in the 24-hour school and may be furnished suitable quarters, furniture, food, supplies, and laundry for himself and his family. The county superintendent or governing board of the district, as the case may be, may make provision for the employment of such certificated personnel, including a principal, and such classified personnel at such school as may be necessary for the education and training of the minors enrolled.

SEC. 6. Section 6706 of the Education Code is amended to read:

6706. Admission and discharge of minors with behavioral disorders to programs provided under the provisions of this article shall be made only on the basis of an individual evaluation according to standards established by the State Board of Education and upon the recommendation of an admissions committee which shall include a teacher, a psychologist, a school nurse or social worker, a principal or supervisor, an attendance supervisor, a licensed physician, a representative of the probation department and a representative of the social welfare department of the county in which the 24-hour school is located.

SEC. 7. Section 6708 of the Education Code is amended to read:

6708. The county superintendent or governing board, as the case may be, maintaining a 24-hour school may accept in the school any minor between the ages of 8 and 16 years who is a resident of the county or the school district, as the case may be, whose parent or guardian does not exercise proper care, supervision, and guidance over him, or who is, by reason of insubordinate conduct, or refusal to obey the rules and regulations of the school authorities, in need of special educational training and discipline to prevent him from becoming subject to the provisions of the juvenile court law. The pupil may be assigned to the school by order of the county superintendent or the superintendent of schools of the district, as the case may be, approved in writing by the parent, or guardian in compliance with the recommendation of the board of admission. If the parent or guardian of the pupil enters into a contract with the county or school district, as the case may be, for the support of the pupil, he may be maintained in the school for the period of the assignment.

SEC. 8. Section 6709 of the Education Code is amended to read:

6709. If the parent or guardian of the pupil refuses to enter into a contract providing for the payment to the county or school district, as the case may be, of a sum sufficient to meet the average cost of maintaining a pupil within the school, including meals and a reasonable sum for lodging, and if the presence of the child within another school of the county or district, as the case may be, or within its home is a menace to the future welfare of other children or of the child itself, the county superintendent or superintendent of schools of the district, as the case may be, shall cause to be filed in the superior court of the county, acting in the department of the court performing the functions of the juvenile court, or in any other court of competent jurisdiction, a complaint asking for an order of the court, committing the child to the 24-hour school and fixing the amount the parent or guardian shall pay for his maintenance until such time as the county superintendent or superintendent of schools of the district, as the case

may be, reports to the court that the best interests of the minor will be served by his discharge from the school. A copy of the complaint shall at the same time be furnished the parent or guardian. If the parent or guardian is unable to pay the amount, the court may in the order provide for the payment by the county of a sum sufficient to cover the costs of maintenance of the child during the period of his commitment to the school.

SEC. 9. Section 6710 of the Education Code is amended to read:

6710. The principal of any school in the county or district, as the case may be, in which there has been established a 24-hour school shall report to the county superintendent or superintendent of schools of the district, as the case may be, after conference held with the parent or guardian, any pupil in his school who he believes comes within the provisions and intent of this article (commencing at Section 6701). This report shall be in writing and shall set forth the facts upon which he believes that the child comes within the provisions of this article (commencing at Section 6701).

SEC. 10. Section 6711 of the Education Code is amended to read:

6711. Any minor who has been placed in the care and control of the 24-hour school without the consent of the parent or guardian, shall remain therein, if placed by order of the court, for the duration of the period provided by the order, or until recommendation is made by the admissions and discharge committee to the court requesting that consideration be given the minor's release.

SEC. 11. Section 6712 of the Education Code is amended to read:

6712. If the minor has been placed in the 24-hour school by order of the county superintendent or superintendent of schools of the district, as the case may be, the parent or guardian with whose consent the minor was placed in the school, upon application to the county superintendent or superintendent of schools, as the case may be, who placed him therein, may secure the release of the minor and his restoration to the care, custody, and control of the parent or guardian. The county superintendent or superintendent of the district, as the case may be, shall require a written report from the principal of the 24-hour school, giving the progress of the child and the advisability of the release of the child from the 24-hour school. If the report indicates that the minor is in need of further care and treatment and that his release would be detrimental to his own welfare or the welfare of others, the county superintendent or superintendent of the district, as the case may be, may report the minor to the juvenile court or other proper court for action

SEC. 12. Section 6713 of the Education Code is amended to read:

6713. If, in the opinion of the principal of any 24-hour school, the further detention of any minor is detrimental to the minor, the minor may upon order of the principal be returned to the county superintendent or superintendent of schools of the district, as the case may be, in which the school is located or to the court which committed him, as may seem necessary for the best interest of the child.

SEC. 13. Section 6715 of the Education Code is amended to read:

6715. The course of study for the pupils and the methods used in enforcing the course of study shall be approved by the county superintendent or the governing board of the district, as the case may be. There shall also be provided in the schools the proper facilities and equipment for vocational and trade training.

SEC. 14. Section 6717 is added to the Education Code, to read:

6717. The funding of the educational vocational program conducted in a 24-hour school shall be in the manner described by Sections 6760, 6762, and 17655.5 when maintained by the county superintendent of schools. Twenty-four-hour schools maintained by the county superintendent shall be considered a necessary small school as defined by Section 17655.

SEC. 15. Section 6718 is added to the Education Code, to read:

6718. The county probation officer having management and control of a 24-hour school may enter into a contract with any other county or state agency to provide for the supervision, care and treatment of the minors placed in the 24-hour school.

SEC. 16. Section 6719 is added to the Education Code, to read:

6719. The enrollment in each 24-hour school shall be limited to the standards established under Section 6757.

SEC. 17. Section 8481 of the Education Code is amended to read:

8481. The county superintendent or the governing board of any school district, as the case may be, maintaining any of grades seven, eight, and nine, may, upon application to, and approval by, the Superintendent of Public Instruction, establish a program having the following essential elements:

(a) Identification, by appraisal and recommendation of teachers and other school authorities, aptitude tests, and such other tests and means as may be authorized by the State Board of Education, of pupils whose academic attainment level and behavior as school pupils indicates that in all probability they will terminate public school enrollment prior to completion of grade 12, but who demonstrate aptitude for one or more types of prevocational training afforded in the schools of the district.

(b) Prevocational courses of study arranged and conducted in such a manner as will permit pupils to concentrate educational effort in those courses of study pursuant to this chapter.

(c) Counseling and guidance procedures which will effectuate the purposes of this chapter.

The county superintendent shall have primary authority to establish the program within his county. Should he fail, for any reason, to establish or initiate action for the establishment of a program after receiving a written request therefor from the governing board of a school district, the governing board shall have full authority to establish a program.

SEC. 18. Article 18 (commencing with Section 940) is added to Chapter 2 of Part 1 of Division 1 of the Welfare and Institutions Code, to read:

Article 18. 24-Hour Schools

940. The board of supervisors in every county may provide and maintain, at the expense of the county, in a location approved by the judge of the juvenile court, or in counties having more than one judge of the juvenile court, by the presiding judge of the juvenile court, a 24-hour school. The school shall be established to provide education and training for minors in accordance with the provisions of Article 5 (commencing with Section 6701) of Chapter 7 of Division 6 of the Education Code.

941. The 24-hour school shall be under the management and control of the probation officer.

942. The board of supervisors shall provide for a suitable superintendent to have charge of the 24-hour school, and for such other employees as may be needed for its efficient management, and shall provide for payment, out of the general fund of the county, of suitable salaries for such superintendent and other employees.

943. The superintendent and other employees of the 24-hour school shall be appointed by the probation officer, pursuant to a civil service or merit system, and may be removed, for cause, pursuant to such system.

944. The probation officer shall keep a classified list of expenses for the operation of the 24-hour school and shall file a duplicate copy with the county board of supervisors.

945. A 24-hour school shall be considered a children's institution for licensing purposes and shall be licensed by the department of social welfare of the county in which the 24-hour school is located.

CHAPTER 1543

An act to add Section 23753.3 to the Education Code, relating to California State College Extension Programs, and making an appropriation therefor.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 23753.3 is added to the Education Code, to read:

23753.3. Notwithstanding any other provision of law to the contrary, revenues received by the Trustees of the California State Colleges from extension programs, including but not limited to fees and charges required by the trustees, shall be transmitted to the State Treasurer and shall be deposited by that officer in the State Treasury to the credit of the State College Extension Programs Revenue Fund, which fund is hereby created.

All such revenues are hereby appropriated, without regard to fiscal years, to the trustees for the support and development of extension programs of the California State Colleges; provided, nevertheless, that proposed expenditures or obligations to be incurred during any fiscal year from the State College Extension Programs Revenue Fund shall be contained in the budget submitted for that fiscal year by the Governor pursuant to Section 12 of Article IV of the Constitution, and shall be subject to the provisions of Article 2 (commencing with Section 13320) of Chapter 3, Part 3, Division 3, Title 2, of the Government Code.

Moneys in the State College Extension Programs Revenue Fund may be invested by the State Treasurer, upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code. All interest or other earnings received pursuant to such investments shall be collected by the State Treasurer and shall be deposited in the State Treasury to the credit of the State College Extension Programs Revenue Fund.

SEC. 2. This act shall become operative on January 1, 1968.

CHAPTER 1544

An act to amend Section 9038 of, and to add Article 4 (commencing with Section 9040) to Chapter 17 of Division 3 of, the Business and Professions Code, relating to social workers.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 9038 of the Business and Professions Code is amended to read:

9038. All sums in the Registered Social Workers' Fund are appropriated to the board, to be expended by it for the purposes of Article 1 (commencing with Section 9000), Article 2 (commencing with Section 9020), and Article 3 (commencing with Section 9035) of this chapter.

SEC. 2. Article 4 (commencing with Section 9040) is added to Chapter 17 of Division 3 of the Business and Professions Code, to read:

Article 4. Clinical Social Workers

9040. Only individuals who have received a certificate under this article may style themselves as "Certified Clinical Social Workers." Every individual who styles himself or holds himself out to be a certified clinical social worker, or uses any words or symbols indicating or tending to indicate that he is a certified clinical social worker, without holding his certificate in good standing under this article, is guilty of a misdemeanor.

9041. The board shall issue a certified clinical social worker certificate to each applicant who qualifes therefor, and if required to take it, successfully passes the examination given pursuant to this article.

9042. Each applicant shall furnish evidence satisfactory to the board that he complies with all the following requirements:

(a) Is at least 21 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States, or has declared his intention to become a citizen. A statement by the applicant, under oath, that he is a citizen or that he intends to apply for citizenship when he becomes eligible, shall be sufficient proof of compliance with this subdivision.

(d) Has received a master's degree from an accredited school of social work.

(e) Has had five years of full-time experience acceptable to the board in the use of psychosocial and psychotherapeutic methods and measures in a hospital, clinic or agency. Two consecutive years of such experience shall have been in one

hospital, clinic or agency in which the applicant, under professional supervision, has employed such methods and measures.

(f) Has not committed any of the offenses set forth in Section 9028.

9043. Each application shall be accompanied with a fee of fifty dollars ($50), which shall be deposited by the board into the State Treasury to the credit of the Certified Clinical Social Workers Fund, which fund is hereby created. All sums in the Certified Clinical Social Workers Fund are continuously appropriated to the board, to be expended by it to carry out the purposes of this article.

9044. Only individuals who have those qualifications prescribed by this article are eligible to take the examination.

9045. Except as provided in Section 9046, every applicant who is issued a certified clinical social worker certificate, shall be examined by the board. The examination shall be held at least once a year and at a time and place as determined by the board.

9046. Prior to July 1, 1969, any person meeting the requirements of Section 9042, and as determined by the board, possessing the equivalent of the education and training requirements of that section, shall, on application, be issued a certificate without examination.

9047. The board shall issue a certificate to each applicant meeting the requirements of this article, which certificate, so long as the annual renewal fees thereof have been paid, entitles holder thereof to use the title of certified clinical social worker and to engage in the practice of clinical social work as defined in Section 9049.

9048. A renewal fee in the sum of ten dollars ($10) shall be charged and collected annually by the board prior to the last day of March of each calendar year. Such fees shall be deposited in the State Treasury to the credit of the Certified Clinical Social Workers Fund. A five dollars ($5) delinquency fee shall be added to the renewal fee when such renewal fee is not received by the board prior to the last day of March of each calendar year. Any person who permits his certificate to become delinquent may have it restored only upon the payment of all fees which he would have paid if the certificate had not become delinquent plus the payment of the delinquency fee.

9049. The practice of clinical social work is defined as a service in which a special knowledge of social resources, human capabilities, and the part that unconscious motivation plays in determining behavior, is directed at helping people to achieve more adequate, satisfying and productive social adjustments. The application of social work principles and methods includes, but is not restricted to, counseling and using applied psychotherapy of a nonmedical nature with individuals, families and groups, providing information and

referral services, providing or arranging for the provision of social services, explaining and interpreting the psychosocial aspects in the situations of individuals, families or groups, helping communities to organize, to provide, or improve social and health services, and doing research related to social work.

Nothing contained in this section shall in any way restrict any person from carrying on any of the aforesaid activities; provided, that such person does not represent himself as a certified clinical social worker as specified in Section 9040 unless he is certified under this article.

9050. The provisions of this article shall be construed only as provisions relating to the examination and certification of clinical social workers.

9051. The board may suspend or revoke the certificate of any person who is guilty of the grounds set forth in Section 9028. The proceedings for the suspension or revocation of certificates under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

CHAPTER 1545

An act to add Article 9 (commencing with Section 425) to Chapter 2 of Part 1 of Division 1 of, and to add Division 26 (commencing with Section 39000) to, and to repeal Article 9 (commencing with Section 425) of Chapter 2 of Part 1 of Division 1 and Chapter 3 (commencing with Section 24378) of Division 20 of, the Health and Safety Code, relating to air pollution, and making an appropriation therefor.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Article 9 (commencing with Section 425) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code is repealed.

SEC. 2. Article 9 (commencing with Section 425) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 9. Air Sanitation

425. The State Department of Public Health shall submit to the State Air Resources Board recommendations for ambient air quality standards reflecting the relationship between the intensity and composition of air pollution and the health, illness, irritation to the senses, and the death of human beings.

SEC. 3. Section 24363 is added to the Health and Safety Code, to read:

24363. The board shall file a copy of its rules and regulations with the State Air Resources Board.

SEC. 4. Chapter 3 (commencing with Section 24378) of Division 20 of the Health and Safety Code is repealed.

SEC. 5. Division 26 (commencing with Section 39000) is added to the Health and Safety Code, to read:

DIVISION 26. MULFORD-CARRELL AIR RESOURCES ACT

PART 1. AIR RESOURCES BOARD

CHAPTER 1. GENERAL PROVISIONS

39000. This division may be cited as the Mulford-Carrell Air Resources Act.

Article 1. Definitions

39001. "Board" means the State Air Resources Board.

39002. "County district" means a county air pollution control district established under Chapter 2 (commencing with Section 24198 of Division 20.

39003. "County district board" means the board of directors of a county district.

39004. "Basin" means an area of the state designated by the board.

39005. "Regional district" means a regional air pollution control district established pursuant to Part 2 (commencing with Section 39300) of this division.

39006. "Regional board" means the board of directors of a regional district.

39007. "Vehicular sources" means those sources of air pollution emitted from motor vehicles or vehicles, as defined in Sections 415 and 670 of the Vehicle Code.

39008. "Nonvehicular sources" means all sources of air pollution except vehicular sources.

39008.5. "Ambient air quality standards" means specified concentrations and durations of pollutants which reflect the relationship between the intensity and composition of pollution to undesirable effects.

39009. "Emission standards" means specified limitations on the discharge of pollutants into the atmosphere.

39009.5. "Local or regional authority" includes the governing body of any city, county, city and county, and of any air pollution control district which is functioning and exercising its powers.

Article 2. Declaration of Policy

39010. The Legislature finds and declares that the people of the State of California have a primary interest in the quality of the physical environment in which they live, and that this physical environment is being degraded by the waste and refuse of civilization polluting the atmosphere, thereby creating a situation which is detrimental to the health, safety, welfare, and sense of well-being of the people of California.

39011. It is necessary to provide a means for an intensive coordinated state, regional, and local effort to combat the problems of air pollution within the various air basins in the state by dividing the state into basins based upon similar meteorological and geographical conditions and with consideration for political boundary lines wherever practicable, and to provide for state authority to establish ambient air quality standards that could vary from basin to basin as well as statewide motor vehicle emission standards, and to provide for control of emissions from nonvehicular sources.

39012. Local and regional authorities have the primary responsibility for the control of air pollution except for the emissions from motor vehicles. These authorities may control emissions from nonvehicular sources. In addition these authorities are empowered to establish standards more restrictive than those set by the state board. The state authority shall undertake enforcement activities only after it has determined that the local or regional authorities have failed to meet their responsibilities pursuant to the provisions of this division. Such determination shall only be made after a public hearing has been held for that purpose.

39013. It is imperative to provide a single state agency for administration, research, establishment of standards, and the coordination of air conservation activities carried on within the state.

Chapter 2. Administration

39020. There is in state government the State Air Resources Board. The board shall consist of 14 members, 9 of whom shall be appointed by the Governor with the consent of the Senate. The Governor shall consider demonstrated interest and proven ability in the field of air pollution as well as the needs of the general public, industry, agriculture, and other related interests, in making appointments to the board. The Director of Public Health, Director of Motor Vehicles, Director of Agriculture, Commissioner of the California Highway Patrol, and Director of Conservation shall serve as members of the board. The Governor shall appoint the chairman from one of the nine appointees who shall serve as chairman at the pleasure of the Governor.

39021. Of the nine members originally appointed by the Governor, three shall be appointed to serve until July 1, 1969, three shall be appointed to serve until July 1, 1970, and three

shall be appointed to serve until July 1, 1971. Thereafter, all members shall be appointed for a term of four years. All members shall hold office until the appointment of their successors. Any vacancies shall be immediately filled by the Governor for the unexpired portion of the term in which they occur. Members shall serve without compensation but each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his duties under this division.

39022. The board shall appoint a 12-member technical advisory committee consisting of physicians, scientists, biologists, chemists, engineers, or meteorologists each of whom has had professional or technical experience in the field of air pollution. These committee members shall receive fifty dollars ($50) per day for each day they meet to fulfill the purposes of this act plus necessary traveling and other expenses incurred while performing their duties under this division.

39023. The board shall appoint an executive officer and may contract for services and may employ such technical and other personnel and acquire such facilities and may call upon the Department of Public Health as may be necessary for the performance of its powers and duties in carrying out the provisions of this division. The board may appoint such advisory groups and committees as it requires to effectuate the purpose of this division.

CHAPTER 3. POWERS AND DUTIES

39051. The board shall after holding public hearings:

(a) Divide the state into basins to fulfill the purposes of this division not later than January 1, 1969.

(b) Adopt standards of ambient air quality for each basin in consideration of the public health, safety and welfare, including but not limited to health, illness, irritation to the senses, aesthetic value, interference with visibility, and effects on the economy. These standards may vary from one basin to another. Standards relating to health effects shall be based upon the recommendations of the State Department of Public Health.

(c) Adopt standards for the emissions from motor vehicles.

(d) Adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11370 of the Government Code) necessary for the proper execution of the powers and duties granted to, and imposed upon, the board by this division.

(e) Adopt emission standards of all other air pollution sources for application for each basin as found necessary as provided in Section 39054.

39052. The board shall:

(a) Conduct studies and evaluate the effects of air pollution upon human, plant, and animal life and the factors responsible for air pollution. The board may call upon the Department

of Public Health, Department of Agriculture, the University of California, and such other state agencies it may deem necessary.

(b) Encourage a cooperative state effort in combating air pollution.

(c) Inventory sources of air pollution within the basins of the state and determine the kinds and quantity of air pollutants. The board shall use, to the fullest extent, the data of local agencies in fulfilling this purpose.

(d) Monitor air pollutants in cooperation with other agencies to fulfill the purpose of this division.

(e) Coordinate and collect research data on air pollution.

(f) Review rules and regulations of local or regional authorities filed with it pursuant to Sections 39314 and 39461 to assure that reasonable provision is made to control emissions from nonvehicular sources and to achieve the air quality standards established by the board.

39053. The board may provide assistance to local and regional agencies in effectuating all the provisions of this division.

39054. If the board finds after investigation and testing that its ambient air quality standards are not being complied with within a basin or that any local or regional authority has not taken reasonable action to control emissions from nonvehicular sources, it may request a report from the such local or regional authority as to the action taken to control the sources responsible. If the board's investigation and testing reveals that its standards are not being complied with, or the local or regional standards are not being complied with or are inadequate, and that the report of the local or regional authority is unsatisfactory, the board may hold public hearings. If the board after holding public hearings, is still unsatisfied it may issue a statement of findings, and may direct the local or regional authority, to take further reasonable action. If any local or regional authority does not comply with the directive of the board within 30 days after the date of the directive, the board shall enforce the standards and the rules and regulations adopted by the board pursuant to this part within the area under the jurisdiction of such local or regional authority until such time as the directive is withdrawn by the board or the local or regional authority complies with the directive. The board may take any other appropriate legal action to carry out its responsibilities in such area. The board shall also have the authority, if such area is within any air pollution control district which is functioning and exercising its powers, to take any action which the district may take. If such area is not within an air pollution control district which is functioning and exercising its powers, the board shall also have the authority to take any action which Chapter 2 (commencing with Section 24198) of Division 20 authorizes a district which is functioning and exercising its powers under that chapter to take. Every person who violates any standard, rule or regula-

tion adopted by the board pursuant to this part in any area in which such standards, rules, and regulations are being enforced by the board is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense.

This sections does not authorize the board to enforce in any area under the jurisdiction of any local or regional authority its standards, rules, or regulations relating to emissions from motor vehicles, with respect to motor vehicles registered to owners residing in any area to which the provisions of subdivisions (c) and (d) of Section 39090 are made inapplicable by subdivisions (k) or (*l*) of that section.

39055. The board shall be empowered to hold hearings for the purpose of fulfilling the provisions of this division.

39056. Nothing shall prevent individual counties within a basin from establishing their own county boards while the remaining counties in the same basin establish a regional board.

39057. Notwithstanding the provisions of this division, any local or regional authority may establish additional, more strict standards than those set forth by the state board for all sources of air pollution other than motor vehicles

39058. The standards, rules, and regulations adopted by a local or regional authority shall be filed with the state board. Such standards, rules, and regulations may be more restrictive than those adopted by the board.

39059. No county, except a county which on the operative date of this section is within an air pollution control district which is functioning and exercising its powers, shall be required to be represented on a regional board, or to have its own board, unless and until the board of supervisors, as authorized by Section 24205, adopt a resolution declaring that there is need for an air pollution control district to function or, as authorized by Part 2 (commencing with Section 39300) of this division, a resolution is adopted by the board of supervisors of the county and by the board of supervisors of one or more other counties declaring that there is a need for a regional district to function, in a common region including all or any portion of such counties and certified copies of the resolution are filed with the State Air Resources Board as provided in Section 39354.

39060. The board is designated as the state air pollution control agency for the purpose of cooperating with the federal government.

39061. The board shall administer any statewide program of financial assistance for air pollution control which may be delegated to it by law and may accept funds from the United States or other source to that end. The board may conduct such a program independently, or by contract, or in cooperation with any federal or state agency, including any political subdivision of the state, or any person or public or private organization.

39062. The board shall submit a report to the Governor and the Legislature not later than 10 calendar days following the commencement of each general session of the Legislature consisting of a summary of the board's activities during the previous year and the board's recommendations concerning such legislation and other action as is necessary for the implementation, financing, and enforcement of this division.

39063. All facilities, including but not limited to funds, records, equipment, and personnel of the State Vehicular Pollution Laboratory of the State Department of Public Health in Los Angeles over which the department has control are hereby transferred to the State Air Resources Board.

39064. The Motor Vehicle Pollution Control Board is abolished. All facilities, including but not limited to funds, records, equipment, and personnel of the Motor Vehicle Pollution Control Board are hereby transferred to the State Air Resources Board.

39065. All present standards and rules and regulations for the purposes of air pollution control established by the State Department of Public Health and the Motor Vehicle Pollution Control Board shall remain in effect until the State Air Resources Board incorporates them into its rules and regulations or adopts rules and regulations.

39066. This division shall not be deemed to affect any rule or regulation of any county or regional district which is in effect on the effective date of this division until the State Air Resources Board has reviewed the rules and regulations of the district.

CHAPTER 4. MOTOR VEHICLE POLLUTION CONTROL

Article 1. Application

39080. The Legislature finds and declares:

(a) That the emission of pollutants from motor vehicles is a major contributor to air pollution in many portions of the state.

(b) That the control and elimination of such pollutants is of prime importance for the protection and preservation of the public health and well-being, and for the prevention of irritation to the senses, interference with visibility, and damage to vegetation and property.

(c) That the state has a responsibility to establish uniform procedures for compliance with standards which control or eliminate such pollutants.

39081. (a) As used in this chapter the following terms shall be construed as defined in the Vehicle Code:

(1) Commercial vehicle
(2) Implement of husbandry
(3) Motor vehicle
(4) Motor-driven cycle
(5) Used vehicle
(6) Passenger vehicle

(b) As used in this chapter, "motor vehicle pollution control device" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine modification on a motor vehicle which causes a reduction of pollutants emitted from the vehicle.

(c) As used in this chapter, "certified device" means a motor vehicle pollution control device for the control of emissions of pollutants from a vehicle, including, but not limited to, the exhaust system, the crankcase, the carburetor, and the fuel tank, for which standards have been set by the board, and for which a certificate of approval has been issued by the board. Whenever under this chapter or any other law a motor vehicle is required to be equipped with a certified device, such requirement refers to the certified device for the control of specified pollutants from the particular source involved.

(d) Wherever the title "Motor Vehicle Pollution Control Board" is used in the law, it shall be deemed to mean, and be applicable to, the State Air Resources Board.

39082. The provisions of this chapter shall not apply to any motor vehicle manufactured in the year 1938 or prior thereto, if such motor vehicle is operated or moved over the highway solely for the purpose of taking it to a place for historical exhibition or other similar purpose.

39083. The board shall have the powers and authority necessary to carry out the duties imposed on it by this chapter, including, but not limited to, the following:

(a) To adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11370 of the Government Code), necessary for proper execution of the powers and duties granted to, and imposed upon the board by this chapter.

(b) To employ such technical and other personnel as may be necessary for the performance of its powers and duties.

(c) To determine and publish the criteria for approval of motor vehicle pollution control devices. In determining the criteria the board shall take into consideration the cost of the device and its installation, its durability, the ease and facility of determining whether the device, when installed on a motor vehicle, is properly functioning, and any other factors which, in the opinion of the board, render such a device suitable or unsuitable for the control of motor vehicle air pollution or for the health, safety, and welfare of the public.

(d) To issue certificates of approval for any motor vehicle pollution control device where, after being tested by the board or tested and recommended by a laboratory designated by the board as an authorized vehicle pollution control testing laboratory, the board finds that the device operates within the standards set by the board and meets the criteria adopted under subdivision (c) of this section; provided that no certificate of approval shall be issued for any device required by subdivision (d) of Section 39090 of this code if:

(1) The cost of such device, including installation, is more than sixty-five dollars ($65);

(2) The annual maintenance cost of the device, including any adjustment necessary for its proper operation in order to meet the standards set pursuant to Section 426.5, is likely to exceed fifteen dollars ($15) a year; or

(3) The device does not equal or exceed the performance criteria established by the board for devices for new motor vehicles or, in the alternative, have an expected useful life of 50,000 miles of operation.

(e) To exempt from Article 2 (commencing with Section 39090) of this chapter designated classifications of motor vehicles for which certified devices are not available, and motor vehicles whose emissions are found by appropriate tests to meet state standards without additional equipment, and motor-driven cycles, implements of husbandry, and vehicles which qualify for special license plates under Section 5004 of the Vehicle Code.

(f) To revoke, suspend, or restrict a certificate of approval previously issued or an exemption previously granted, upon a determination by the board that the device or motor vehicle no longer operates within the standards set by the board or no longer meets the criteria adopted under subdivision (c) of this section or no longer should be exempted. Provided that once any motor vehicle is equipped with a certified device it shall not thereafter be deemed to be in violation of this chapter or Section 27156 of the Vehicle Code because a certificate of approval for such device is subsequently revoked, suspended, or restricted, and replacement parts for such device may continue to be supplied and used for such vehicle, unless such revocation, suspension or restriction of a certificate of approval is based upon a finding that the certified device has been found to be unsafe in actual use or is otherwise mechanically defective, in which event such motor vehicle must be brought into compliance with this chapter within 30 days after such finding.

(g) Proceedings under this chapter with respect to the denial of applications for the issuance of certificates of approval or the granting of exemptions, or for the revocation, suspension, or restriction of certificates of approval previously issued, or exemptions previously granted, by the board shall be conducted in accordance with the provisions of Chapter 5 (com-

mencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the board shall have all the powers granted therein.

39084. The board may issue permits for the testing of experimental motor pollution control devices installed in motor vehicles.

39085. Any manufacturer of a device required by subdivision (d) of Section 39090 of this code shall, as a condition to certification of such device by the board, agree that so long as only one such device is certified by the board such manufacturer shall either: (1) agree to enter into such cross-licensing or other agreements as the board determines are necessary to insure adequate competition among manufacturers of such devices to protect the public interest; or (2) agree as a condition to such a certification that if only one such device from one manufacturer is made available for sale to the public, the board shall, taking into consideration the cost of manufacturing the device and the manufacturer's suggested retail price, and in order to protect the public interest, determine the fair and reasonable retail price of such device and may require, as a condition to continued certification of such device, that the retail price of such device, including installation, not exceed such price as determined by the board. In either event the retail price so determined by the board for a device required by subdivision (d) of Section 39090 may be less than, but shall not be more than, sixty-five dollars ($65) per vehicle.

39086. The board shall adopt regulations specifying the manner in which a motor vehicle pollution control device shall be submitted for testing and certification.

39087. Whenever the board issues certificates of approval for two or more devices for the control of emissions of pollutants from a particular source of emissions from motor vehicles for which standards have been set by the board, it shall so notify the Department of Motor Vehicles.

Article 2. Certification, Sale, and Installation of Motor Vehicle Pollution Control Devices

39090. (a) Every 1966 or later year model motor vehicle subject to registration in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust.

(b) On and after December 1, 1965, every motor vehicle of 1963 or later year model subject to registration in this state shall be equipped with a certified device to control the emission of pollutants from the crankcase.

(c) Every motor vehicle of 1955 through 1962 year model subject to registration in this state upon transfer of ownership and registration to an owner whose residence is in a county or portion of a county within an air pollution control district

which may function and exercise its powers shall be equipped with a certified device to control the emission of pollutants from the crankcase.

(d) Every motor vehicle of 1955 through 1965 year model subject to registration in this state upon transfer of ownership and registration to an owner whose residence is in a county or portion of a county within an air pollution control district which may function and exercise its powers, shall be equipped with a certified device to control the emission of pollutants from the exhaust.

(e) The provisions of subdivisions (a), (b), (c), and (d) of this section shall not be applicable to any of the following:

(1) Any motor vehicle or class of motor vehicles exempted by the board.

(2) Any motor-driven cycle, implement of husbandry or vehicle which qualifies for special plates under Section 5004 of the Vehicle Code.

(f) The provisions of subdivisions (c) and (d) shall not be applicable in districts formed between January 1, 1964 and July 23, 1965.

(g) On and after December 1, 1967, every 1968 or later year model passenger vehicle, except motorcycles, subject to registration and first sold and registered in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust. Notwithstanding any other provision of this section or Section 39083, the board may only grant an exemption for not to exceed 1 percent of a manufacturer's passenger vehicle sales in California in the preceding model year.

(h) On and after December 1, 1966, every 1967 or later year model commercial motor vehicle under 6,001 pounds manufacturer's maximum gross vehicle weight rating, subject to registration and first sold and registered in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust.

(i) On and after December 1, 1968, every 1969 or later year model truck, truck tractor, or bus, except those which are diesel-powered, subject to registration and first sold and registered in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust. Notwithstanding any other provision of this section or Section 39083, the board may only grant an exemption for not to exceed 1 percent of a manufacturer's truck, truck tractor and bus sales in California in the preceding model year.

(j) Motor vehicles found by the board to meet established state standards and board criteria without additional equipment are exempt from the provisions of this section.

(k) The provisions of subdivisions (c) and (d) of this section shall not be applicable to motor vehicles registered to an owner whose residence is in any county in which an air

pollution control district may function and exercise its powers if (1) prior to the effective date of this section, the board of supervisors of the county has found that the equipment of motor vehicles with devices to control the emission of pollutants is unnecessary for the preservation of air quality in that county, and (2) no air pollution control district created pursuant to Chapter 2 (commencing with Section 24198) of Division 20 has ever been authorized to function and exercise its powers in any county adjacent to such county; nor shall such provisions be applicable to motor vehicles registered to an owner whose residence is in any county adjacent to such a county, which adjacent county is included within the boundaries of an air pollution control district created by special law to include the area of two or more counties, and in which county such air pollution control district created by special law may transact business and exercise its powers.

(*l*) The provisions of subdivisions (c) and (d) of this section shall not be applicable to motor vehicles registered to an owner whose residence is in an area, designated pursuant to this subdivision, of any county having an area in excess of 7,000 square miles in which an air pollution control district consisting of a single county may function and exercise its powers and within 60 days after the effective date of this section the board of supervisors of such county has classified the county into two areas because of substantial geographic and climatic differences between the two areas, and within 60 days after the effective date of this section the board of supervisors of the county has found that within one of such areas, designated by the board, the equipment of motor vehicles with devices to control the emission of pollutants is unnecessary for the preservation of air quality within that area.

39091. No new motor vehicle required pursuant to this chapter to be equipped with a certified device to control the emissions of pollutants from the crankcase or exhaust shall be sold in this state unless:

The manufacturer thereof has filed a certificate with the board within the preceding 12 months stating that new motor vehicles of that make, model, and year manufactured pursuant to dealers' orders for initial sale and registration in this state, will be equipped at the factory with certified devices as required by this chapter.

39092. No person shall sell, display, advertise, or represent as a certified device any device which, in fact, is not a certified device. No person shall install or sell for installation upon any motor vehicle any motor vehicle pollution control device which has not been certified by the board.

39093. Any violation of this chapter is a misdemeanor.

Article 3. Authorized Motor Vehicle Pollution Control Testing Laboratories

39097. The board may designate such laboratories as it finds are qualified and equipped to analyze and determine, on the basis of the standards established by the board, devices which are so designed and equipped to meet the standards set by the board and the criteria established by the board.

39098. All devices tested for purposes of certification shall be tested by a procedure which includes tests of the device to measure its ability to control the emission of pollutants while a vehicle is operating at full performance.

PART 2. REGIONAL AIR POLLUTION CONTROL

CHAPTER 1. GENERAL PROVISIONS

39300. In this part, the terms and definitions contained in Article 1 (commencing with Section 39000), Chapter 1, Part 1, of this division shall apply.

39301. Within each basin established by the board, if the board of supervisors, or respective boards of supervisors, determine there is a need for such a district, or such districts to function, there may be established a regional district for the basin, regional district for a portion of the basin and a county or several county districts, or county districts. No county except a county which on the operative date of this section is within an air pollution control district which is functioning and exercising its powers, shall be required to be represented on a regional board, or have its own board, unless and until the board of supervisors, as authorized by Section 24205 adopt a resolution declaring that there is a need for an air pollution control district to function, or, as authorized by the part, a resolution is adopted by the board of supervisors of the county and by the board of supervisors of one or more other counties declaring there is need for a regional district to function in a common area, including all or any portion of such counties and certified copies of the resolutions are filed with the State Air Resources Board as provided in Section 39354. There shall not be more than one regional air pollution control district in any basin.

39302. The provisions of the Knox-Nisbet Act, Chapter 6.6 (commencing with Section 54773), Part 1, Division 5 of, and the District Reorganization Act of 1965, Division 1 (commencing with Section 56000), Title 6 of, the Government Code shall not be applicable to county districts or regional districts.

CHAPTER 2. DISTRICT AIR POLLUTION CONTROL BOARDS

39310. The board of supervisors of a county in which a district is not functioning and exercising the powers on the effective date of this part may, pursuant to Chapter 2 (com-

mencing with Section 24198) of Division 20, cause an air pollution control district to commence to function and exercise its powers within the county to carry out the provisions of this division.

A county board of supervisors may establish jointly with other counties in the same basin a regional air pollution control district covering such portion of the county lying within the basin pursuant to this part for purposes of carrying out the provisions of this division.

39311. A county lying within more than one basin may establish jointly with other counties separate regional air pollution control districts and may establish a county air pollution control district for any portion of the county not within a regional district.

39312. If any district organized and functioning pursuant to Chapter 2 (commencing with Section 24198) of Division 20 is entirely within any area in which a regional district is created, upon the establishment of the regional district, such district is dissolved and the regional district succeeds to all of its property and obligations.

39313. Every county district board shall adopt rules and regulations to control the sources of air pollution within the district and shall comply with all the standards, rules and regulations set forth by the state board.

39314. (a) The county district board of any county air pollution control district in existence on the date on which the State Air Resources Board divides the state into basins pursuant to Section 39051, which, on or before such date, has adopted rules and regulations, shall file its rules and regulations with the state board within 30 days after such date.

(b) The county district board of any county air pollution control district in existence on such date which has not, on or before such date, adopted rules and regulations, shall file its rules and regulations with the state board within six months after such date.

(c) The county district board of any county air pollution control district created after such date shall file its rules and regulations with the state board within 12 months after creation of the district.

Chapter 3. Regional Air Pollution Control Districts

Article 1. Creation of Regional Districts

39350. The boards of supervisors of two or more counties within a given basin may upon their own motion, acting separately or shall whenever a petition signed by not less than 10 percent of the qualified electors of each county is presented to the supervisors of that county, hold a public hearing to determine whether or not to become part of a regional air pollution control district.

39351. Prior to the public hearing, the board of supervisors shall give notice of the time and place of hearing by publication pursuant to Section 6061 of the Government Code not less than 15 days nor more than 45 days before such hearing.

39352. Upon conclusion of the public hearing the board of supervisors may adopt a resolution declaring that there is need for the regional district to function in such county, or portion thereof, if from the evidence received at such hearing it finds that it is in the best interests of such county that the regional district function therein.

39353. Upon adoption of the resolution the board of supervisors of such county shall cause a certified copy of it to be filed with the State Air Resources Board.

39354. From and after the date of the filing of certified copies of resolutions from two or more boards desiring a common regional district, the regional district shall begin to function and may exercise its powers within any area not within any other district.

39355. There shall be a separate and distinct city selection committee for each county in which the regional district may transact business and exercise its powers. The membership of such committees shall consist of the mayor of each city within such regional district within the county, which is not within a district, or, where there is no mayor, the chairman or the president of the city council.

39356. A majority of the members of each city selection committee shall constitute a quorum.

39357. The city selection committee for each county shall meet within 90 days after the adoption of the resolution by the board of supervisors to adopt the regional form. The committee of each county shall thereafter meet on the second Monday in May of each even-numbered year, at 10 a.m. in the chambers of the board of supervisors of such county, for the purpose of making succeeding appointments to the regional board as prescribed in Section 39361. At least two weeks prior to the date of each meeting the clerk of the board of supervisors of each county shall give notice of such meeting to each member of the city selection committee of such county. The meeting of the city selection committee of each county shall be conducted in the presence of the clerk of the board of supervisors of such county who shall act as the recording officer for the meeting. It shall be the duty of the clerk of the board of supervisors to notify in writing the board of supervisors of such county and also the clerk of the regional board of the appointment made by the city selection committee within 10 days after such appointment has been made.

39358. Each committee shall appoint a chairman from among its members and such other officers as may be necessary.

39359. Members of the committees shall serve without compensation, but may be allowed actual expenses incurred in the discharge of their duties.

39360. The board of supervisors of a county in which the regional district may transact business and exercise its powers shall appoint one of its members to be a member of the regional board.

The selection committee of each county shall appoint one member of the regional board. Such member shall be selected from among the mayors and city councilmen of the cities within such county.

39361. Members of a newly created regional board selected by a city selection committee and a board of supervisors shall serve terms which shall expire on the first day of June of the third year following the year in which they are appointed. Thereafter terms of the regional board members appointed by the board of supervisors shall be for four years and until the appointment and qualification of his successor and each member appointed by the city selection committee shall hold office for two years and until the appointment and qualification of his successor. Any vacancy on the regional board shall be filled by appointment in the same manner as the vacating member was appointed. Any member of the regional board may be removed at any time in the same manner as he was appointed; provided, however, that if four-fifths of the members of the board of supervisors of a county request the removal of a member appointed by the city selection committee of such county, the city selection committee of such county shall meet within 20 days to consider the removal of such member.

39362. Any member of the regional board may be recalled from his office of member of the board of supervisors or of mayor or member of the legislative body of a city pursuant to Division 13 of the Elections Code, in which event his office as member of the regional board shall be vacant.

39363. The regional board is the governing body of the regional district and shall exercise all the powers of the regional district, except as otherwise provided.

39364. A majority of the members of the regional board constitutes a quorum for the transaction of business and may act for the regional board.

39365. Each member of the regional board shall receive the actual and necessary expenses incurred by him in the performance of his duties, plus a compensation of twenty-five dollars ($25) for each day attending the meetings of the board, but such compensation shall not exceed six hundred dollars ($600) in any one year.

39366. The regional board may appoint an executive secretary to perform such duties as may be assigned to him by the board.

39367. The regional board may cooperate and contract with any federal, state, or local governmental agencies, private industries, or civic groups necessary or proper to the accomplishment of the purposes of this chapter.

39368. No supervisor, mayor, or city councilman shall hold office on the regional board for a period of more than three months after ceasing to hold the office of supervisor, mayor, or city councilman, respectively, and his membership on the regional board shall thereafter be considered vacant, except that any mayor who continues to hold office as a city councilman, or city councilman who continues to hold office as mayor, shall not be considered to have ceased to hold office under this section.

Article 2. Powers and Duties

39380. The regional district shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the regional district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at its pleasure.

(d) To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the regional district necessary to the full exercise of its powers.

(e) To lease, sell or dispose of any property or any interest therein whenever in the judgment of the regional board such property, or any interest therein, or part thereof, is no longer required for the purposes of the regional district, or may be leased for any purpose without interfering with the use of the same for the purposes of the regional district, and to pay any compensation received therefor into the general fund of the regional district.

39381. The regional district shall establish and execute an effective program for the reduction of air contaminants within the regional district and shall enforce all orders, rules and regulations prescribed by the state board relating to the sources of air pollution within its jurisdiction.

39382. The regional district shall do such acts as may be necessary to carry out the provisions of this chapter.

39383. The regional board shall establish and maintain such offices wherever it deems will best facilitate the accomplishment of the regional objectives.

39384. The regional board shall meet at such times and places as decided by the regional board.

39385. The regional board shall appoint a chairman from its members and such other officers as may be necessary.

39386. The regional board shall determine the compensation of, and pay from regional district funds, the control officer, all of his personnel, the executive secretary, and members of the hearing board.

39387. The regional board shall provide for the number of personnel to be employed by the control officer and for their duties and the times at which they shall be appointed.

39388. The regional board may contract with any city or county, any state department, or any competent person or

agency for the conducting of competitive examinations to ascertain the fitness of applicants for employment and for the performance of any other service in connection with administration of the regional district.

39389. The regional board may by ordinance adopt a civil service system for any or all employees of the regional district except that the executive secretary and air pollution control officer shall be exempt from such system and shall serve at the pleasure of the regional board. The board may adopt regulations and bylaws for the organization and administration of the regional district and may, in such regulations, provide for amendment and repeal thereof.

39390. In exercising its powers and duties, the regional district shall, whenever feasible, secure necessary technical, administrative and operational services by contract with public agencies to the end that duplication of similar services and facilities is avoided to the extent possible. This section shall not be construed as requiring the regional board to contract for services which the board determines should, in the best interests of the regional district, be provided by the regional district or services which can be provided by the regional district at a lesser cost than by contract.

Article 3. Air Pollution Control Officer

39400. The regional board shall appoint an air pollution control officer.

39401. Subject to the provisions of Article 2 (commencing with Section 39380) of this chapter, the control officer shall appoint his personnel.

39402. The control officer shall observe and enforce:

(a) The provisions of this chapter.

(b) All orders, regulations, and rules prescribed by the regional board.

(c) All variances and standards which the regional hearing board has prescribed.

Article 4. Advisory Council

39410. The regional board may appoint an air pollution control advisory council to advise and consult with the regional board and the control officer in effectuating the purposes of this chapter. The council shall consist of the chairman of the regional board, who shall serve as an ex officio member, and members who preferably are skilled and experienced in the field of air pollution, and a representative of the academic community, health agencies, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor.

39411. The council shall select a chairman and vice chairman and such other officers as it deems necessary.

39412. Council members shall serve without compensation but may be allowed actual expenses incurred in the discharge of their duties. The council shall meet as frequently as the board or the council deem necessary.

Article 5. Hearing Board

39420. Within 30 days after the regional district, by resolution, determines it necessary to adopt rules and regulations to control the release of air contaminants, the regional board shall appoint a hearing board, to consist of three members, none of whom is otherwise employed by the district. One member shall have been admitted to practice law in this state. One member shall be registered as a professional engineer in California and experienced in the field of air pollution control.

39421. The regional board shall appoint one member of the hearing board for a term of one year, one for a term of two years, and one for a term of three years. Thereafter the terms of members of the hearing board shall be three years.

Article 6. Enforcement

39430. A person shall not discharge from any source whatsoever such quantities of air contaminants, smoke, or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

39431. This article does not apply to smoke from fire set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, for the purpose of weed abatement, the prevention of a fire hazard, or the instruction of public employees in the methods of fighting fire, which is, in the opinion of such officer, necessary.

39432. This article does not apply to:

(a) Smoke from fires set by, or permitted by, the county agricultural commissioner of any county within the regional district for agricultural operations in the growing of crops or raising of fowl or animals, if such fire is set or permission given in the performance of the official duty of such county agricultural commissioner, except that such fires shall not be set or permission given in violation of any general order, rule, or regulation adopted by the regional board pursuant to Section 39463.

(b) Smoke from fires set by, or permitted by, the State Forester or his agent for the purpose of watershed, range, or pasture improvement if such fire is set or permission given in the performance of the official duty of the State Forester or his agent, except that such fires shall not be set or per-

mission given in violation of any general order, rule, or regulation adopted by the regional board pursuant to Section 39463.

39433. The Legislature does not, by the provisions of this chapter, intend to occupy the field.

The provisions of this chapter do not prohibit the enactment or enforcement by any county or city of any local ordinance more restrictive than, or identical to, the provisions of this article and more restrictive than, or identical to, the rules and regulations adopted pursuant to this chapter, which local ordinance prohibits, regulates or controls air pollution.

Counties and cities may, by local ordinance, provide for the local enforcement of this article and of regulations adopted pursuant to this chapter.

39434. The provisions of this chapter do not supersede any such local county or city ordinance.

39435. If it should be held that provisions of this chapter supersede the provisions of any local county or city ordinance, such suspension shall not bar the prosecution or punishment of any violation of such ordinance which violation was committed when such ordinance was in full force and effect.

39436. Nothing in this article limits in any way the power of the regional board to make needful orders, rules, and regulations pursuant to other provisions of this chapter. Nothing in this article permits any action contrary to any such order, rule, or regulation.

39437. Any violation of any provisions of this article or of any order, rule, or regulation of the regional board may be enjoined in a civil action brought in the name of the people of the State of California.

39438. Every person who violates any provision of this article or any order, rule, or regulation of the regional board is guilty of a misdemeanor.

Every day during any portion of which such violation occurs constitutes a separate offense.

39439. The provisions of Section 39430 relating to odors do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowls or animals.

39440. Except as provided in Sections 39431 and 39432, orders, rules, and regulations of the regional board shall apply to every state agency, governmental subdivision, district, public and quasi-public corporation, public agency, and public service corporation, and every city, county, city and county, and municipal corporation.

Article 7. Rules and Regulations

39460. The regional board shall adopt and may, from time to time, amend rules and regulations, including, but not limited to, rules and regulations establishing standards to implement this chapter. Such rules and regulations shall be based on sur-

veys and studies made by the regional district and such other information as may be available to the regional district. The rules and regulations shall be adopted only after the regional board has considered the matter at a public hearing at which all interested persons are afforded the opportunity to appear and urge or oppose adoption of the resolution. The regional board shall give notice of its intention to adopt or amend rules and regulations and give notice of the hearing by publication pursuant to Section 6061 of the Government Code in each of the counties within the regional district not less than 10 days prior to the hearing. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the regional district of the nature and purpose of the meeting. The hearing may be adjourned from time to time in order to permit presentation of all pertinent testimony.

39461. (a) The regional board of any regional district in existence on the date on which the State Air Resources Board divides the state into basins pursuant to Section 39051, which, on or before such dates, has adopted rules and regulations, shall file its rules and regulations with the state board within 30 days after such dates.

(b) The regional board of any regional district in existence on such date which has not, on or before such date, adopted rules and regulations, shall file its rules and regulations with the state board within six months after such date.

(c) The regional board of any regional district created after such date shall file its rules and regulations with the state board within 12 months after creation of the district.

39462. A city, county or city and county may adopt orders, rules, or regulations which may be more restrictive than those adopted by a regional board.

39463. Whenever the regional board finds that the air in the regional district is so polluted as to cause discomfort or property damage at intervals to a substantial number of inhabitants of the region, the regional board may make, in accordance with the procedures prescribed in this article, and may enforce such general orders, rules, and regulations as will reduce the amount of air contaminants released within the regional district.

39464. The control officer at any time may require from any person subject to regulations of the regional board, such information or analyses as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by such source, and may require that such disclosures be certified by a professional engineer registered in the state. In addition to such report, the control officer may designate and employ a registered professional engineer of his choice to make an independent study and report as to the nature, extent, quantity, and degree of any air contaminants which are or may be discharged from the source. An engineer

so designated is authorized to inspect any article, machine, equipment or other contrivance necessary to make the inspection and report.

39465. If any person within a reasonable time willfully fails or refuses to furnish to the control officer information or analyses requested by such control officer, or if the control officer finds that any order, rule, or regulation of the regional board is being violated after a reasonable time has been allowed for compliance, the control officer shall notify the hearing board of such facts and request a public hearing on the matter.

39466. Within 30 days after the control officer has requested a public hearing, the hearing board shall hold such a hearing and give notice of the time and place of such hearing to the person cited, to the control officer and to such other persons as the hearing board deems should be notified, not less than 10 days before the date of the public hearing.

39467. After a public hearing, the hearing board may find that no violation exists, or may take any of the actions provided in Article 8 and Article 9 of this chapter.

Article 8. Variances

39470. The provisions of this chapter do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article 6 or by rules, regulations, or orders of the regional board, if not of a greater extent or longer time than the hearing board or a court after a hearing before the hearing board finds necessary pursuant to the provisions of this article.

39471. The hearing board on its own motion or at the request of any person may hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 6 or by rules, regulations, or orders of the regional board is necessary and will be permitted.

39472. The regional board may provide, by regulation, a schedule of fees which will yield a sum not exceeding the estimated cost of the administration of this article, for the filing of applications for variances or to revoke or modify variances. All applicants shall pay the fees required by such regulations.

39473. All such fees shall be paid to the regional district treasurer to the credit of the regional district.

39474. The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the control officer and upon the applicant, if any, not less than 10 days prior to such hearing.

39475. If the hearing board finds that because of conditions beyond control compliance with Article 6 or with any rule, regulation, or order of the regional board will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without a sufficient corresponding bene-

fit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by named classes of industries or persons, or to the operation of separate persons; provided, however, that no variance may permit or authorize the maintenance of a nuisance.

39476. In determining under what conditions and to what extent a variance from said requirements is necessary and will be permitted, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the regional district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance.

39477. The hearing board may revoke or modify by written order, after a public hearing held upon not less than 10 days' notice, any order permitting a variance.

39478. The hearing board shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the control officer, upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons interested or likely to be affected who have filed with the hearing board or control officer a written request for such notification.

39479. The hearing board shall serve a notice of the time and place of a hearing to grant a variance or to revoke or modify an order permitting a variance either by personal service or by first-class mail, postage prepaid. If either the identity or address of any person entitled to notice is unknown, the hearing board shall serve such person by publication of notice in the district pursuant to Section 6061 of the Government Code.

39480. The hearing board in making any order permitting a variance may specify the time during which such order will be effective, in no event to exceed one year, but such variance may be continued from year to year without another hearing on the approval of the control officer.

39481. If any local county or city ordinance has provided regulations similar to those in Article 6 or to any order, regulation, or rule prescribed by the regional board, and has provided for the granting of variances, and pursuant to such local ordinance a variance has been granted prior to notification of the regional district, such variance shall be continued as a variance of the hearing board for the time specified therein or one year, whichever is shorter, or until and unless prior to the expiration of such time the hearing board modifies or revokes such variance as provided in this article.

Article 9. Procedure

39490. This article applies to all hearings which this chapter provides shall be held by the hearing board.

39491. The hearing board shall select from its number a chairman.

39492. The hearing board may hold a hearing in bank or may designate two or one of their number to hold a hearing.

39493. If two or three members of the hearing board conduct a hearing the concurrence of two shall be necessary to a decision.

39494. The hearing board, not less than two being present, may, in its discretion, within 30 days rehear any matter which was decided by a single member.

39495. Whenever the members of the hearing board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the chairman of the hearing board shall issue a subpoena, in proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpoena may require such person to produce all books, papers, and documents in his possession or under his control material to such hearing.

39496. A subpoena to appear before the hearing board shall be served in the same manner as a subpoena in a civil action.

39497. Whenever any person duly subpoenaed to appear and give evidence or to produce any books and papers before the hearing board neglects or refuses to appear, or to produce any books and papers, as required by the subpoena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in contempt, and the hearing board shall report the fact to the judge of the superior court of the county in which the person resides.

39498. Upon receipt of the report, the judge of the superior court shall issue an attachment directed to the sheriff of the county where the witness was required to appear and testify, commanding the sheriff to attach such person and forthwith bring him before the judge who ordered the attachment issued.

39499. On the return of the attachment and the production of the body of the defendant, the judge has jurisdiction of the matter. The person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court.

39500. Every member of the hearing board may administer oaths in every hearing in which he participates, and at any hearing the hearing board may require all or any witnesses to be sworn before testifying.

39501. The hearing board may adopt rules for the conduct of its hearings not inconsistent with this chapter. Such rules

shall so far as practicable conform to the rules for administrative adjudication by state agencies in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 10. Enforcement

39502. Whenever the hearing board finds that any person is in violation of Section 39430, Section 39434, or any order, rule, or regulation of the regional board, and that no variance is justified and that a reasonable time has been allowed for compliance, the hearing board shall make a decision setting forth findings of fact and such conclusions of law as are required in view of the issues submitted. The decision shall contain an order for abatement. The order for abatement shall be framed in the manner of a writ of injunction requiring the respondent to refrain from a particular act. The order may be conditional and require a respondent to refrain from a particular act unless certain conditions are met. The order shall not have the effect of permitting a variance unless all the conditions for a variance, including limitation of time, are met.

39503. The hearing board shall announce its decision in the form of a draft before filing. Copies of the draft shall be mailed to the parties or their attorneys. The hearing board may direct the prevailing party to prepare a form of decision. Any party may file objections to the draft with the hearing board within 10 days after mailing.

39504. After objections, if any, have been considered by the hearing board or a hearing has been held thereon, if the hearing board finds it necessary, the hearing board shall file its decision with its clerk, who shall give notice of such filing to the parties or their attorneys.

39505. The decision shall become effective 30 days after it is filed unless:

(a) A rehearing is granted by the hearing board.

(b) The hearing board orders that it be made effective sooner.

39506. Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure. Except as otherwise provided in this section, any such petition shall be filed within 30 days after the last day on which reconsideration can be ordered. The right to petition shall not be affected by the failure to seek reconsideration before the hearing board. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the hearing board and shall be delivered to the petitioner within 30 days after a request therefor by him, upon payment of the fee specified in Section 69950 of the Government Code, as now or hereinafter amended, for the transcript, the cost of preparation of other

portions of the record, and for certification thereof. The complete record includes the pleadings, all notices and orders issued by the hearing board, any proposed decision by the hearing board, the final decision, a transcript of all proceedings, the exhibits admitted or rejected, the written evidence and any other papers in the case. Where petitioner, within 10 days after the last day on which reconsideration can be ordered, requests the hearing board to prepare all or any part of the record, the time within which a petition may be filed shall be extended until five days after its delivery to him. The hearing board may file with the court the original of any document in the record in lieu of a copy thereof.

39507. In any proceeding pursuant to Section 39506, the court shall receive in evidence any order, rule, or regulation of the board, any transcript of the proceedings before the hearing board, and such further evidence as the court in its discretion deems proper.

39508. A proceeding for mandatory or prohibitory injunction shall be brought by the district in the name of the people of the State of California in the superior court of the county in which the violation occurs to enjoin any person to whom an order for abatement pursuant to Section 39502 has been directed and who violates such order.

39509. Proceedings under Section 39508 shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that it shall not be necessary to show lack of adequate remedy at law or to show irreparable damage or loss. In any such proceeding, it shall be shown that an order for abatement has been made, that it has become final, and that its operation has not been stayed, it shall be sufficient proof to warrant the granting of a preliminary injunction. If in addition it shall be shown that the respondent continues or threatens to continue to violate such order for abatement, it shall be sufficient proof to warrant the immediate granting of a temporary restraining order.

Article 11. Financial Provisions

39520. The regional district may borrow money and incur indebtedness in anticipation of the revenue for the current year in which the indebtedness is incurred or of the ensuing year. Such indebtedness shall not exceed the total amount of the estimate of the tax income for either the current year or the ensuing year.

39521. Before the 15th day of June of each year the regional board shall estimate and determine the amount of money required by the regional district for purposes of the regional district during the ensuing fiscal year and shall apportion this amount to the counties included within the regional district, one-half according to the relative value of the real estate of each county within the regional district as deter-

mined by the regional board and one-half in the proportion that the population of each county within the regional district bears to the total population of the regional district. For the purposes of this section, the regional board shall base its determination of the population of the several counties on the latest official information available to it.

39522. On or before the 15th day of June of each year, the regional board shall inform the board of supervisors of each county of the amount apportioned to the county. Each board of supervisors shall levy an ad valorem tax on the taxable property, but not including intangible personal property, within the county included within the regional district sufficient to secure the amount so apportioned to it and such taxes shall be levied and collected together with, and not separately from, the taxes for county purposes and paid to the treasurer of each of the counties to the credit of the regional district.

39523. Taxes levied by the board of supervisors for the benefit of the regional district shall be a lien upon all property within such county lying within the regional district and shall have the same force and effect as other liens for taxes. Their collection may be enforced in the same manner as liens for county taxes are enforced.

39524. At any time prior to the first receipt by the regional district of revenues from taxation, the counties within the regional district may loan any available money to the region for purposes of organization and operation and such expenditures shall constitute a proper expenditure of county funds. The regional board shall add the sums of money so borrowed from the counties to the first amount apportioned by the board pursuant to Section 39521, and shall repay the counties for all money borrowed from the first revenues received from taxation.

39525. The treasurers of the several counties within the region shall pay into the regional district treasury all funds held by them to the credit of the regional district.

39526. The regional district treasury shall be in the custody of the county treasurer of a county in the regional district designated by the regional board and such treasurer shall be the regional district treasurer.

39527. The regional board shall, in carrying out the provisions of this article, comply as nearly as possible with the provisions of Chapter 1 (commencing with Section 29000) of Division 3 of Title 3 of the Government Code.

Article 12. Withdrawal of County From Regional District

39540. The board of supervisors of a county within a regional district may upon the adoption of a resolution stating such, withdraw from the regional district and establish its own county air pollution control district.

The resolution so adopted shall be communicated to the clerks of the boards of supervisors of all counties comprising the regional district, the regional board, and the Air Resources Board.

39541. The withdrawal of a county shall not affect the functioning of other counties within the regional district, and such withdrawal shall not constitute a dissolution of the regional district.

The regional district shall continue to function in a manner not inconsistent with the provisions of this part.

39542. A regional district may be dissolved in a manner which conforms to Section 24372.

39543. A county shall give at least two months' notice to the regional board of its intention to withdraw from the regional district. A county shall not be withdrawn from a regional district during any fiscal year after the expiration of the first four months of such fiscal year.

Article 13. Claims

39560. All claims for money or damages against the regional district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

Article 14. Bay Area Pollution Control District

39570. The Bay Area Pollution Control District created pursuant to Chapter 2.5 (commencing with Section 24345) of Division 20 and Humboldt County shall be exempt from the provisions of this part.

SEC. 6. There is hereby appropriated from the General Fund the sum of one hundred thousand dollars ($100.000) to the State Air Resources Board for expenditure by the board during the 1967–68 fiscal year in carrying out the provisions of Part 1 (commencing with Section 39000) of Division 26 of the Health and Safety Code as enacted by Section 5 of this act.

SEC. 7. This act shall be known as the Mulford-Carrell Act.

CHAPTER 1546

An act to add Chapter 5 (commencing with Section 13960) to Part 4, Division 3, Title 2 of the Government Code, and to repeal Section 11211 of the Welfare and Institutions Code, relating to victims of crimes.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 (commencing with Section 13960) is added to Part 4 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 5. VICTIMS OF CRIME

13960. The Legislature hereby declares that it serves a public purpose, and is of benefit to the state, to indemnify those needy residents of the State of California who are victims of crimes committed in the State of California, and those needy domiciliaries of California who are injured as a consequence of an act committed while temporarily in another state or jurisdiction where such act, if committed in California, would have been a public offense, for the injuries suffered as a result of the commission of the crimes.

13961. A victim of a crime as used in this chapter is any person who sustains injury to himself, or pecuniary loss as a result of physical injury or death of another person on whom he is financially dependent, and which is the consequence of an act considered to be a public offense, as defined by Penal Code Section 15, whether the actor is criminally liable or not.

13962. (a) The victim of a crime of violence, his family, or any persons dependent upon the victim for their support may file a claim with the State Board of Control, provided that the crime was committed in California and the applicant was a resident of California, or provided the claimant is a domiciliary of California who was injured while temporarily in another state or jurisdiction.

(b) The State Board of Control shall provide indemnification claim forms for purposes of this section and shall specify the information to be included in such forms.

(c) The claim must be presented by the claimant to the Board of Control within a period of one year after the date of death or injury and no claim not so presented shall be considered by the Board of Control.

13963. Upon presentation of any such claim, the Board of Control shall fix a time and place for the hearing of the claim, and shall mail notices thereof to interested persons or agencies and to the Attorney General. Prior to the hearing, the Attorney General shall investigate the facts of each claim, including

the claimant's financial condition, filed pursuant to this chapter, and prepare a report thereof. The Attorney General shall at the hearing submit to the board, and the board shall receive the report, together with any evidence which he may have obtained as a result of his investigation. At the hearing, the board shall receive evidence showing

(a) The nature of the crime committed and the circumstances involved;

(b) That as a direct consequence, the victim incurred personal injury;

(c) The extent of such injury;

(d) The need of the claimant;

(e) Such other evidence as the board may require.

If the board determines, on the basis of a preponderance of such evidence, that the state should indemnify the claimant for the injury sustained, it shall approve the claim for payment. The board shall determine that the state should indemnify a person who files a claim pursuant to this chapter if there is need for such indemnification, except that such a claim may be denied if the claimant has not cooperated with the police in the apprehension and conviction of the criminal committing the crime.

The maximum amount for which the board may approve a claim pursuant to this section shall not exceed the amount necessary to indemnify or reimburse the claimant for necessary expenses incurred for hospitalization or medical treatment, loss of wages, loss of support, or other necessary expenses directly related to the injury. If continued hospitalization or medical treatment is necessary, a partial award may be made and the claim subsequently reconsidered for the purpose of recommending an additional award.

In addition the board may award, as attorney's fees, an amount representing the reasonable value of legal services rendered a claimant, but in no event to exceed 10 percent of the amount of the award.

A claim shall be reduced to the extent that the claimant has received indemnification from any other source. If a claim is paid under this chapter the state shall be subrogated to the rights of the claimant to whom such claim was paid against any person causing the damage or injury for which payment was made to the extent of the payment of the claim. The state may recover the amount of the claim paid in a separate action, or may intervene in an action brought by the claimant. In no event shall a claim be approved pursuant to this section in excess of five thousand dollars ($5,000).

13964. Upon conviction of a person of a crime of violence committed in the State of California resulting in the injury or death of another person who was a resident of the State of California at the time the crime was committed, the court shall take into consideration the defendant's economic condition, and unless it finds such action will cause the family of the defendant to be dependent on public welfare, may, in

addition to any other penalty, order the defendant to pay a fine commensurate in amount with the offense committed. The fine shall be deposited in the Indemnity Fund in the State Treasury, which is hereby continued in existence, and the proceeds in such fund shall be available for appropriation by the Legislature to indemnify persons filing claims pursuant to this chapter.

13965. (a) The district attorney of each county shall inform each person in the county who may be eligible to file a claim pursuant to this chapter of such eligibility. The district attorney of each county shall obtain from the board any forms which may be necessary in the preparation and presentation of such claims.

(b) If a victim of a crime does not cooperate with a state or local law enforcement agency in the apprehension and conviction of the criminal committing the crime, the agency shall immediately notify the board of such lack of cooperation.

13966. Claims under this chapter shall be paid from a separate appropriation made to the State Board of Control in the Budget Act and as such claims are approved by the board.

SEC. 2. Section 11211 of the Welfare and Institutions Code is repealed.

SEC. 3. The Board of Control shall not later than March 1, 1968, report to the Legislature its progress under, and recommendations regarding improvement of, the program of indemnifying victim of crimes.

CHAPTER 1547

An act to amend Section 11553 of the Education Code, relating to computation of average daily attendance of mentally retarded minors.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 11553 of the Education Code is amended to read:

11553. The average daily attendance of mentally retarded minors given instruction by a county superintendent of schools shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175 and the average daily attendance so computed shall be credited to the county school service fund; provided, however, that the average daily attendance of mentally retarded minors coming within the provisions of Section 6903 for the purpose of computation of

transportation allowances under Section 18060, subdivision (b), shall be computed by dividing the total number of days of attendance of such pupils during the fiscal year, including the days of attendance at an authorized summer session, by 175.

CHAPTER 1548

An act to amend Section 10270.9 of, and to add Sections 10270.98 and 11515.5 to, the Insurance Code, relating to provision of disability insurance policies and service contracts.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 10270.9 of the Insurance Code is amended to read:

10270.9. No group disability policy shall be issued or delivered in this state nor, except as otherwise provided in Sections 10270.91 and 10270.98, shall an insurer provide or agree to provide group disability coverage until a copy of the form of the policy is filed with the commissioner and approved by him in accordance with Article 2 of this chapter as meeting in substance the reasonably applicable provisions and requirements of either Articles 3, 4 and 5 of this chapter or Articles 3a, 4a and 5a of this chapter; provided, however, that the insurer may, at its option, substitute for one or more of such provisions of Articles 4a and 5a corresponding provisions of different wording approved by the commissioner which are in each instance not less favorable in any respect to the policyholder, the certificate holder or the beneficiary. On and after January 1, 1957, no group disability policy shall be issued or delivered in this state unless the form thereof has been approved, as required by this section, as meeting in substance the provisions and requirements of Articles 3a, 4a and 5a of this chapter which are reasonably applicable; provided, however, that the insurer may, at its option, substitute for one or more of such provisions of Articles 4a and 5a corresponding provisions of different wording approved by the commissioner which are in each instance not less favorable in any respect to the policyholder, the certificate holder or the beneficiary.

Except as provided by Section 10314, no group disability policy shall be issued or delivered to any person in this state nor shall any endorsement for any such policy be issued which contains any provision contradictory, in whole or in part, of any of the provisions promulgated by the commissioner as being required or optional or alternative provisions

to be incorporated into such policy in accordance with the rules promulgated by him for their use.

SEC. 2. Section 10270.98 is added to the Insurance Code, to read:

10270.98. Group disability policies may provide, among other things, that the benefits payable thereunder are subject to reduction if the individual insured has any other coverage (other than individual policies or contracts) providing hospital, surgical or medical benefits, whether on an indemnity basis or a provision of service basis, resulting in such insured being eligible for more than 100 percent of the covered expenses.

Except as permitted by this section and by Section 10323, 10369.5, 10369.6, or 11515.5, no group or individual disability insurance policy or service contract issued by nonprofit hospital service plans operating under Chapter 11A (commencing with Section 11491) of Part 2 of Division 2 shall limit payment of benefits by reason of the existence of other insurance or service coverage.

The policy provisions authorized by this section shall contain a provision that payments of funds may be made directly between insurers and other providers of benefits. Such policy provisions shall also contain a provision that if benefits are provided in the form of services rather than cash payments the reasonable cash value of each service rendered shall be deemed to be both an allowable expense and a benefit paid. The reasonable cash value of any contractual benefit provided to the insured in the form of service rather than cash payment by or through any hospital service organization or medical service organization or group-practice prepayment plan shall be deemed an expense incurred by the insured for such service, whether or not actually incurred, and the liability of the insurer shall be the same as if the insured had not been entitled to any such service benefit, unless the policy contains a provision authorized by Section 10323, 10369.5 or 10369.6 in the case of an individual disability policy, or by this section, in the case of a group disability policy.

This section shall not be construed to require that benefits payable under group disability policies be subject to reduction by the benefit amounts payable under Chapter 3 (commencing with Section 2800) of Part 2 of Division 1 of the Unemployment Insurance Code.

SEC. 3. Section 11515.5 is added to the Insurance Code, to read:

11515.5. A corporation subject to the provisions of this chapter may in its service contracts use the words or sub-

stance of any new uniform provisions promulgated by the commissioner pursuant to Section 10270.98 on the same basis as insurers and subject to the same controls, effective times, and restrictions as apply to insurers, modified when necessary to fit the nature of such a corporation and its customary practices. Such rules and regulations of the commissioner may contain provisions to effect the purposes of this section.

CHAPTER 1549

An act to amend Section 22700 of, and to add Chapter 1.5 (commencing with Section 185) to Division 2 of, the Education Code, relating to higher education, and making an appropriation therefor.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing with Section 185) is added to Division 2 of the Education Code, to read:

CHAPTER 1.5. THE BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES

185. There is in the state government a Board of Governors of the California Community Colleges, consisting of 15 members, who are appointed by the Governor with the advice and consent of two-thirds of the Senate.

The first members of the board shall be appointed by the Governor on or before January 15, 1968, and the Governor shall designate the date of the first meeting of the board. At least seven of the initial members shall have served as members of local junior college governing boards in this state prior to their appointment to the Board of Governors of the California Community Colleges. Any such member must resign from the local junior college governing board before his appointment if he is serving on a local junior college governing board at the time of his appointment.

186. The terms of office of the members of the board shall commence on January 15, 1968, and the members shall enter upon their duties on that date and shall classify their terms of office by lot so that four of the terms of such appointive members shall expire on January 15, 1969, four of the terms of such appointive members shall expire on January 15, 1970, four of the terms of such appointive members shall expire on January 15, 1971, and three of the terms of such appointive members shall expire on January 15, 1972. Thereafter, the terms of office of the members of the board shall be four years.

At the first meeting of the board, and annually thereafter, the members shall select two of their members to serve as chairman, and vice chairman, respectively.

187. Members of the board shall be selected from outstanding lay citizens of California who have a strong interest in the further development and improvement of the public junior colleges.

188. Any vacancy on the board shall be filled by appointment by the Governor, subject to confirmation by two-thirds of the Senate. The appointee to fill a vacancy shall hold office only for the balance of the unexpired term.

189. Members of the board shall serve without pay. They shall receive their actual and necessary traveling expenses while on official business. The headquarters of the board and the chief executive officer shall be in Sacramento.

190. The board shall appoint a chief executive officer, designate his title, and fix his salary.

191. The chief executive officer shall serve at the pleasure of the appointing power. He shall execute such duties and responsibilities as may be delegated to him by the board.

192. The chief executive officer shall employ and fix the compensation, in accordance with law, of such assistants, clerical, and other employees as he may deem necessary for the effective conduct of the work of the board and the chief executive officer.

193. The board shall have the power to adopt such rules and regulations, not inconsistent with law, as are necessary for its own government and to enable the board to carry out all powers and responsibilities vested in it by law.

194. All official acts of the board shall require the affirmative vote of at least eight members. The vote of all members shall be recorded.

195. All meetings of the board shall be open and public except as otherwise provided.

The board may hold executive sessions closed to the public to consider the employment of any person, or the dismissal or other form of disciplinary action to be taken against any officer or employee under the jurisdiction of the board, except where such person, officer, or employee requests a public hearing. The board may exclude from any such meeting, whether public or closed to the public, during the examination of a witness, any or all other witnesses in the matter being investigated.

196. It is the intent of the Legislature that the Board of Governors of the California Community Colleges shall provide leadership and direction in the continuing development of junior colleges as an integral and effective element in the structure of public higher education in the state. The work of the board shall at all times be directed to maintaining and continuing, to the maximum degree permissible, local autonomy and control in the administration of the junior colleges.

197. Commencing on July 1, 1968, the Board of Governors of the California Community Colleges shall succeed to the duties, powers, purposes, responsibilities, and jurisdiction heretofore vested in the State Board of Education, the Department of Education, and the Director of Education with respect to the management, administration, and control of the junior colleges. Whenever in any law relating to the management, administration and control of the junior colleges reference is made to the State Board of Education, the Department of Education, or the Director of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

198. The State Board of Education is designated as the state educational agency to carry out the purposes and provisions of Public Law 815 and Public Law 874 of the 81st Congress, and is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to allocate, upon the advice and recommendations of the Board of Governors of the California Community Colleges, the funds provided by such acts of Congress to public junior colleges

SEC. 2. Section 22700 of the Education Code is amended to read:

22700. There is hereby created an advisory body, the Coordinating Council for Higher Education, to be composed of three representatives each of the University of California, the California State Colleges, the public junior colleges, the private colleges and universities in the state, and six representatives of the general public. The university shall be represented by the president and two regents appointed by the regents. The California State Colleges shall be represented by the chancellor and two trustees appointed by the trustees. Public junior colleges shall be represented by a member of the State Board of Education or its chief executive officer as the board may from time to time determine, and a member of a local public junior college governing board and a public junior college administrator. The junior college governing board member shall be selected by the State Board of Education from a list or lists of five names submitted for its consideration by any association or associations of statewide coverage which represent junior college governing boards. The public junior college administrator shall be selected by the State Board of Education from a list of five names submitted for its consideration by the California Junior College Association. The private colleges and universities shall be represented by three persons, each of whom shall be affiliated with a private institution of higher education as a governing board member or as a staff member, in an academic or administrative capacity and shall be appointed by the Governor after consultation with an association or associations of such private institutions and subject to confirmation by the Senate. The general public shall be represented by six members appointed by the Governor subject to confirmation by the Senate. The terms of the appointments made pursuant to this section shall be as follows:

(a) The representatives appointed by the regents shall serve one-year terms.

(b) The representatives appointed by the trustees shall serve one-year terms.

(c) The member of the State Board of Education or its chief executive officer who represents the public junior colleges shall serve until the first meeting of the board in the next succeeding calendar year following his appointment.

(d) Except as otherwise provided in this subdivision, the term of office of all of the other members of the council appointed pursuant to this section is four years, and they shall hold office until the appointment of their successors.

The terms of such members in office on November 1, 1965, shall expire as follows:

(1) The term of the member who, as a member of a local public junior college governing board, is representing the public junior colleges, the term of one of the members representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1965.

(2) The term of one of the members representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1966.

(3) The term of the member who, as a public junior college administrator, is representing the public junior colleges and the term of one of the members representing the public shall expire on November 1, 1967.

(4) The term of the other member representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1968.

(5) The terms of the other two members representing the public shall expire on November 1, 1969.

On or before November 1, 1965, the Governor shall designate the order in which the terms of his appointees expire pursuant to this subdivision.

(e) Any person appointed pursuant to this section may be reappointed to serve additional terms.

No appointing authority specified in this section shall appoint any person to alternate membership on the council with the following exceptions who shall be appointed by the appropriate appointing authority: two alternates for the president and the two representatives of the regents; two alternates for the chancellor and the two representatives of the trustees, and one alternate for the one representative of the State Board of Education. Each alternate shall be a member of the appropriate appointing authority and shall be appointed for an annual term.

No person appointed pursuant to this section shall, with respect to any matter before the council, vote for or on behalf of, or in any way exercise the vote of, any other member of the council.

Commencing on February 1, 1968, the public junior colleges shall, notwithstanding the preceding provisions of this section, be represented exclusively by two members of the Board of Governors of the California Community Colleges chosen annually by the board, and the chief executive officer of the California Community Colleges; provided that, the member of the State Board of Education or the board's executive officer, the member of the local junior college governing board, and the public junior college administrator (to be replaced by the chief executive officer of the California Community Colleges) shall continue to serve until the successors are designated and qualify to serve. The representatives of the public junior colleges shall serve for one-year terms. One alternate member may be designated by the Board of Governors of the California Community Colleges.

SEC. 3. The Co-ordinating Council for Higher Education, as soon as this act becomes effective, shall undertake a study of all of the duties, powers, responsibilities, and jurisdiction in the management, administration, and control of the junior colleges and shall report to the Governor and to the Legislature on or before December 1, 1968, on the appropriate functions which should be performed (a) by local school boards maintaining junior colleges and (b) by the Board of Governors of the California Community Colleges.

SEC. 4. There is hereby appropriated from the General Fund for the support of the Board of Governors of the California Community Colleges the sum of ten thousand dollars ($10,000), or so much thereof as may be necessary, to be expended for expenses incurred by the board pursuant to Chapter 1.5 (commencing with Section 175) of Division 2 of the Education Code, including planning for the uninterrupted performance of the functions and duties transferred to the board

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CHAPTER 1550

An act to add Chapter 19 (commencing with Section 20050) to Division 14 of, and to add Sections 20047 and 20755 to, the Education Code, and to repeal Section 10 of Chapter 129 of the Statutes of 1966 (First Extraordinary Session), relating to junior college district capital outlay.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 20047 is added to the Education Code, to read:

20047. This chapter shall remain in effect until July 1, 1968, and thereafter shall have no force and effect.

SEC. 2. Chapter 19 (commencing with Section 20050) is added to Division 14 of the Education Code, to read:

CHAPTER 19. JUNIOR COLLEGE CONSTRUCTION ACT OF 1967

Article 1. Definitions and General Provisions

20050. This chapter may be cited as the Junior College Construction Act of 1967.

20051. As used in the chapter, the term "junior college" shall mean grades 13 and 14 of a junior college school; and the term "junior college district" shall mean any district authorized by law to maintain a junior college.

20052. As used in this chapter, the term "project" means the purpose for which a junior college district has applied for assistance under this chapter for one or more institutions under its authority or for districtwide facilities. A project may include the acquisition and improvement of junior college sites, the planning, construction, reconstruction, or remodeling of any permanent structure necessary for use as a classroom, laboratory, library, related facilities necessary for the instruction of students or for administration of the educational program, maintenance or utility facilities essential to the operation of the foregoing facilities, and the initial acquisition of equipment. A project shall not include the planning or construction of dormitories, student centers other than cafeterias, stadia, the improvement of site for student or staff parking, or single-purpose auditoriums.

20053. As used in this chapter, the term "weekly student contact hours" means the product of the number of students and the scheduled class periods in which they are enrolled, in graded junior college classes in grades 13 and 14 convened prior to 4:30 o'clock p.m. during a census week. A class period is not less than 50 minutes and not more than 60 minutes.

20054. This chapter shall be administered by the Department of Education, and for purposes of such administration the State Board of Education may adopt all necessary rules and regulations.

For purposes of this chapter, the Department of Education shall assemble statewide data on facility and construction costs, and on the basis thereof formulate cost standards and construction standards. The formulation of standards shall include also the formulation of average ratios of equipment cost to total project costs, unit equipment costs per faculty or other staff measure, and unit costs as related to floor areas.

20055. Any action of the Department of Education in administering this chapter may be appealed to the State Board of Education by the governing board of an affected junior college district. The appeal shall be made through the executive officer of the State Board of Education and shall be placed on the agenda of the board in accordance with the general agenda practices of the board The decision of the board on such appeals shall be final.

20056. Funds appropriated for a project of a junior college district for purposes of this chapter shall be allocated and disbursed upon order of the Department of Education, and by warrants of the State Controller issued pursuant thereto.

20057. In the event an existing junior college district is included in a newly formed junior college district, any unused funds appropriated or authorized to be appropriated for a finally approved project of the included district pursuant to this chapter shall be transferred to the newly formed or including junior college district on the date that such district is effective for all purposes, or prior to such effective date where the governing boards of the districts agree to such earlier transfer.

20058. Upon completion of a project the governing board of the junior college district shall submit to the Department of Education a final report on all expenditures in connection with the project and the sources of the funds expended.

Article 2. Plans for Capital Construction

20065. On or before November 1, 1967, the governing board of each junior college district shall prepare and submit to the State Department of Education a plan for capital construction for junior college purposes of the district for the 10-year period commencing with that date. The plan shall be subject to continuing review by the governing board and each year shall be extended one year, and there shall be submitted to the Department of Education, on or before the first day of September in each succeeding year, a report outlining the required modifications or changes, if any, in the plan.

20066. The plan for capital construction shall set out the estimated capital construction needs of the district with reference to elements including at least all of the following:

(a) The plans of the district concerning its future academic programs, and the effect on estimated construction needs which may arise because of particular courses of instruction or subject matter areas to be emphasized.

(b) The enrollment projections for each district formulated by the Department of Finance, expressed in terms of weekly student contact hours. The enrollment projections for each individual college within a district shall be made cooperatively by the Department of Finance and the junior college district.

(c) The current enrollment capacity of the district expressed in terms of weekly student contact hours and based upon the space and utilization standards for junior college classrooms and laboratories adopted by the State Board of Education.

(d) District office, library and supporting facility capacities as derived from the physical plant standards for office, library and supporting facilities adopted by the State Board of Education.

(e) An annual inventory of all facilities of the district using standard definitions, forms, and instructions adopted by the State Board of Education.

20067. The Department of Education shall, on or before March 1, 1968, review, and evaluate the plan for capital construction submitted by the governing board of each junior college district in terms of the elements of the capital construction program specified in Section 20066, and shall, on the basis of such review and evaluation, make such revision and changes therein as are appropriate, and approve the same. A similar review and evaluation of continuing 10-year plans for capital construction submitted by the governing board of each district maintaining a junior college shall be made on or before each succeeding first day of December. The department shall, promptly after such approval, notify the governing board of each junior college district of the approved form and content of the district's plan for capital construction.

Article 3. Project Proposals and Approvals

20075. Any junior college district may submit to the Department of Education for review and approval a proposed project. The proposed project shall be an element of the district's plan for capital construction. It shall be in such form and contain such detail, pursuant to rules and regulations of the State Board of Education, as will permit its evaluation and approval with reference to the elements of the capital construction program specified in Section 20066.

20076. The Department of Education shall review and evaluate each proposed project with reference to the elements of the capital construction program specified in Section 20066, and if it approves the same, shall transmit the approved proposed project to the Department of Finance not later than April 1, 1968, and April 1st of each year thereafter. A proposed project not approved shall be returned to the governing board of the junior college district with recommendations concerning changes deemed necessary by the department.

20077. The Department of Finance shall review, evaluate, and approve proposed project submitted to it by the Department of Education. The review and evaluation shall be directed particularly to ascertaining whether the proposed project is of appropriate size, is appropriately timed and is justified in terms of the elements of the capital construction program specified in Section 20066. Any proposed project which is not approved shall be returned to the governing board of the junior college district with recommendations deemed necessary by the department.

20078. A proposed project submitted by the governing board of a junior college district to the Department of Education pursuant to Section 20075 prior to the first day of January, 1968, and of each year thereafter, shall be finally acted upon by the department pursuant to Section 20076 on or be-

fore the next succeeding first day of April, 1968, and each year thereafter. A proposed project submitted to the Department of Finance pursuant to Section 20076, shall be finally acted upon by the department pursuant to Section 20077 on or before the first day of July, 1968, and each year thereafter.

20079. Upon securing approval of a proposed project pursuant to Sections 20076 and 20077, the governing board of a junior college may submit to the Department of Education for approval preliminary plans for the project. In order that a project shall be eligible for inclusion in the budget and the Budget Bill submitted to the Legislature by the Governor at each regular session of the Legislature, the preliminary plans for the project shall be submitted by the governing board of the district to the Department of Education prior to the first day of October, 1968, and each year thereafter, preceding the commencement of such regular session.

Preliminary plans for a project shall include detailed plans, specifications, and drawings, and all other data and information necessary to determine detailed estimates of cost.

20080. The Department of Education shall review and evaluate preliminary plans for a project and shall either finally approve or disapprove the same on or before the 15th day of November, 1968, and each year thereafter, following the date of their submission by the governing board of the district. Following the review and evaluation, approved preliminary plans for a project shall be transmitted to the Department of Finance not later than the 15th day of November, 1968, and the 15th day of November of each succeeding year thereafter. Preliminary plans not receiving approval may be returned to the governing board of the junior college submitting them.

For purposes of this section, the Department of Education shall have the authority to confer with and advise the governing board of a junior college district or the representatives of such board and to effect modifications and alterations in preliminary plans for a project.

20081. The review and evaluation of preliminary plans for a project by the Department of Education shall include the following elements:

(a) An architectural analysis to determine costs of the various phases of the project, with particular attention to be directed to the type of construction, unit costs, and the efficiency of particular buildings and facilities in terms of effective utilization of area.

(b) Determining the amount of federal funds available for the project, and taking appropriate measures to ensure that the project will qualify for the maximum amounts of federal funds practicable under the circumstances.

"Federal funds" means any construction and equipment moneys provided by the federal government to a junior college district for the project or any part of the project, which are or will be available to the district for the project.

(c) Determining the total cost of the project, reducing the same by the amount of federal funds available therefor, and determining the respective shares of the remainder thereof to be borne by the state and by the district. The determination of the respective shares of the project to be borne by the state and the district shall be made on the basis of the relative district ability. If the relative district ability is one (1), the state and the district shall share the cost equally; if the relative district ability is less than one (1) the state shall bear more of the cost than the district; and if the relative district ability is greater than one (1), the state shall bear less of the cost than the district.

"Relative district ability" is the quotient obtained by dividing (1) the assessed valuation of the district for the academic year in which an application for a project is submitted to the Department of Education, divided by the annual average weekly student contact hours in the district for the same academic year, by (2) the total of assessed valuation for all junior college districts in the state for the same academic year, divided by the total annual average weekly student contact hours in all junior college districts of the state for the same academic year.

(d) Determining the total of funds immediately required for the first phase of the project to be provided by the state by appropriation, and the funds immediately required to be provided by the district.

20082. The Department of Finance shall review preliminary plans for a project approved and submitted to it by the Department of Education, and the estimated state and district shares in the funding thereof determined by the Department of Education. If the Department of Finance approves the preliminary plans, the state's share of the funding thereof for the first fiscal year shall be included in the budget and the Budget Bill submitted to the Legislature at the next ensuing regular session of the Legislature, so that such state funds as may be appropriated therefor by the Legislature shall be available to the junior college district as soon as practicable after the commencement of the next ensuing fiscal year.

20083. Portions of the state's share of any project not appropriated to the junior college district pursuant to Section 20082, may be included in the budget and the Budget Bill submitted by the Governor for either or both of the next two succeeding fiscal years, as determined by the Department of Finance.

SEC. 3. Section 20755 is added to the Education Code, to read:

20755. Notwithstanding the provisions of this article or any other provisions of law to the contrary, the governing board of a district maintaining a junior college may each year have levied and collected school district taxes, for that year, without limitation as to rate, for purposes of providing funds for the annual district share of any project approved pursuant

to Chapter 19 (commencing with Section 20050) of Division 14, including any funds required to obtain federal funds for such project or any part of the project.

SEC. 4. Section 10 of Chapter 129 of the Statutes of 1966 (First Extraordinary Session) is repealed.

CHAPTER 1551

An act to add Sections 264.1, 286.1, and 288b to the Penal Code, relating to forcible sex offenses.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 264.1 is added to the Penal Code, to read:

264.1. The provisions of Section 264 notwithstanding, in any case in which defendant, voluntarily acting in concert with another person, by force or violence and against the will of the victim, committed the rape, either personally or by aiding and abetting such other person, such fact shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or if admitted by the defendant, defendant shall suffer confinement in the state prison from five years to life.

SEC. 2. Section 286.1 is added to the Penal Code, to read:

286.1. The provisions of Section 286 notwithstanding, in any case in which defendant, voluntarily acting in concert with another person, by force or violence and against the will of the victim committed sodomy upon a human being, either personally or by aiding and abetting such other person, such fact shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or if admitted by the defendant, defendant shall suffer confinement in the state prison from five years to life.

SEC. 3. Section 288b is added to the Penal Code, to read:

288b. The provisions of Section 288a notwithstanding, in any case in which defendant, voluntarily acting in concert with another person, by force or violence and against the will of the victim participated in an act of oral copulation, either personally or by aiding and abetting such other person, such fact shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or if admitted by the defendant, defendant shall suffer confinement in the state prison from five years to life.

CHAPTER 1552

An act to amend Section 18897.2 of, to amend and renumber Sections 18897.3, 18897.4 and 18897.5 of, and to add Sections 18897.3 and 18897.5 to, the Health and Safety Code, relating to organized camps.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 18897.2 of the Health and Safety Code is amended to read:

18897.2. The State Director of Public Health shall adopt, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371, Part 1, Division 3, Title 2 of the Government Code, and enforce such rules and regulations establishing minimum standards for organized camps and regulating the operation of organized camps as he determines are necessary to protect the health and safety of the campers. In adopting such rules and regulations the State Director of Public Health shall consider the Resident Camp Standards of the American Camping Association.

SEC. 2. Section 18897.3 of the Health and Safety Code is amended and renumbered to read:

18897.4. Every local health officer shall enforce within his jurisdiction the rules and regulations adopted pursuant to Section 18897.2 of this code.

SEC. 3. Section 18897.3 is added to the Health and Safety Code, to read:

18897.3. The State Fire Marshal shall adopt minimum fire safety regulations for organized camps in accordance with provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 4. Section 18897.4 of the Health and Safety Code is amended and renumbered to read:

18897.7. No organized camp shall be operated in this state unless each site or location in which the camp operates satisfies the minimum standards for organized camps prescribed by the State Director of Public Health and the State Fire Marshal. Any violation of this section or of any rule or regulation adopted pursuant to Section 18897.2 or Section 18897.3 of this code in the operation of organized camps is a misdemeanor.

SEC. 5. Section 18897.5 of the Health and Safety Code is amended and renumbered to read:

18897.6. Organized camps shall not be subject to regulation by any state agency other than the State Department of Public Health and the State Fire Marshal; provided, that this section shall not affect the authority of the Department of Industrial Relations to regulate the wages or hours, of employees of organized camps.

SEC. 6. Section 18897.5 is added to the Health and Safety Code, to read:

18897.5. The regulations adopted by the State Fire Marshal pursuant to Section 18897.3 shall be enforced in the same manner as is prescribed by Sections 13145, 13146, and 13146.5 of this code for the enforcement of regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

CHAPTER 1553

An act to add Sections 20017.76 and 21264.5 to, and to repeal Section 20017.4 of, the Government Code, and to amend the heading of Article 6 (commencing with Section 4800) of Chapter 2 of Part 2 of Division 4 of, and to amend Sections 4800, 4801, 4802, 4803, and 4804 of, the Labor Code, relating to state employees' benefits.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 20017.76 is added to the Government Code, to read:

20017.76. Notwithstanding the provisions of Section 20017.75, "law enforcement member" shall also include those persons employed by the San Francisco Port Authority whose principal duties consist of active law enforcement and who are peace officers, as defined in Section 817 of the Penal Code, but excluding any person whose principal duties do not clearly fall within the scope of active law enforcement even though such person is subject to occasional call, or is called upon occasionally, to perform duties within the scope of active law enforcement.

Notwithstanding the provisions of Section 20602.92, the rate of contribution provided for in Sections 20603.4 and 20604.7 with respect to a person who becomes a "law enforcement member" under this section shall apply only to compensation paid such person on and after the operative date of this section.

SEC. 2. Section 20017.4 of the Government Code is repealed.

SEC. 3. Section 21264.5 is added to the Government Code, to read:

21264.5. Notwithstanding any other provision of law in this part, Section 21264 shall apply to members employed by the San Francisco Port Authority who are described in Section 20017.76.

Any additional costs resulting from the application of this section shall be paid for by state contributions.

SEC. 4. The heading of Article 6 (commencing with Section 4800) of Chapter 2 of Part 2 of Division 4 of the Labor Code is amended to read:

Article 6. Special Payments to California Highway Patrol and Harbor Policemen of the San Francisco Port Authority

SEC. 5. Section 4800 of the Labor Code is amended to read:

4800. Whenever any member of the California Highway Patrol is disabled by injury or illness arising out of and in the course of his duties, he shall become entitled, regardless of his period of service with the patrol to leave of absence while so disabled without loss of salary, in lieu of disability payments under this chapter, for a period of not exceeding one year. This section shall apply only to members of the California Highway Patrol whose principal duties consist of active law enforcement and shall not apply to persons employed in the Department of Motor Vehicles whose principal duties are those of telephone operator, clerk, stenographer, machinist, mechanic or otherwise clearly not falling within the scope of active law enforcement service, even though such person is subject to occasional call or is occasionally called upon to perform duties within the scope of active law enforcement service.

This section shall apply to harbor policemen employed by the San Francisco Port Authority who are described in Section 20017.76 of the Government Code.

SEC. 6. Section 4801 of the Labor Code is amended to read:

4801. It shall be the duty of the appeals board to determine in the case of members of the California Highway Patrol, upon request of the Department of Motor Vehicles, and, in the case of the harbor policemen, upon the request of the San Francisco Port Authority, whether or not the disability referred to in Section 4800 arose out of and in the course of duty. The appeals board shall, also, in any disputed case, determine when such disability ceases.

SEC. 7. Section 4802 of the Labor Code is amended to read:

4802. Any such member of the California Highway Patrol, or any such harbor policeman, so disabled is entitled from the date of injury and regardless of retirement under the State Employees' Retirement System, to the medical, surgical and hospital benefits prescribed by this division as part of the compensation for persons injured in the course of and arising out of their employment, at the expense of the Department of Motor Vehicles, or the San Francisco Port Authority, as the case may be, and such expense shall be charged upon the fund out of which the compensation of the member is paid.

SEC. 8. Section 4803 of the Labor Code is amended to read:

4803. Whenever such disability of such member of the California Highway Patrol, or of such harbor policeman, continues for a period beyond one year, such member or harbor policeman shall thereafter be subject, as to disability indemnity, to the provisions of this division other than Section 4800, which refers to temporary disability only, during the remainder of the disability, except that such compensation shall be paid out of funds available for the support of the Department of Motor Vehicles, or the San Francisco Port Authority, as the case may be, and the leave of absence shall continue.

SEC. 9. Section 4804 of the Labor Code is amended to read:

4804. No disability indemnity shall be paid to said member of the California Highway Patrol or harbor policeman as temporary disability concurrently with wages or salary payments.

SEC. 10. This act shall become operative on the first day of the month following the month in which this act becomes effective.

CHAPTER 1554

An act to amend Section 17352 of the Education Code, relating to financial support for the public schools.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 17352 of the Education Code is amended to read:

17352. (a) The Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in each month of each year in the amounts and manner as herein prescribed so as to provide in each warrant a portion of the total amount certified by the Superintendent of Public Instruction as apportioned under the provisions of Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, during the fiscal year from the State School Fund to the school districts under the jurisdiction of the county superintendent of schools of the county, to the county school service fund, and to the county school tuition fund of the county.

(1) Warrants for amounts allowed to the county school service funds under subsections (a) and (b) of Section 18352 shall be for amounts equal to 6 percent in July, 12 percent in August, 10 percent in September, and 8 percent in each remaining month of the fiscal year of the amounts certified by

the Superintendent of Public Instruction as a part of the advance apportionment.

(2) Warrants for amounts apportioned to school districts and county school service funds for classes maintained by county superintendents of schools and to the county school tuition funds shall be for amounts equal to 6 percent in July, 12 percent in August, and 8 percent in September, October, November, December, and January, of the amounts certified by the Superintendent of Public Instruction as a part of the advance apportionment.

(3) Warrants in the months of February to May, inclusive, shall be for amounts equal to one-sixth of the difference between the amounts certified by the Superintendent of Public Instruction for school districts and county school service funds for classes maintained by county superintendents of schools and county school tuition funds as the first principal apportionment and the amounts required by subdivision (2) of this subdivision. An additional one-sixth of such difference shall be included in the warrants for the month of February.

(4) Warrants for the month of June shall be for amounts equal to the difference between the amounts certified by the Superintendent of Public Instruction for school districts and county school service funds for classes maintained by county superintendents of schools and county school tuition funds as the second principal apportionment and the amounts required by subdivisions (2) and (3) of this subdivision.

(5) Warrants in the months of September to November, inclusive, shall include one-tenth of the estimated total amounts of the special purpose apportionment, as determined by the Superintendent of Public Instruction. Warrants in December shall include one-tenth of the amounts certified by the Superintendent of Public Instruction as the special purpose apportionment, as adjusted, if necessary, to correct excesses or deficiencies in the estimates made for purposes of the warrants in the months of September to November, inclusive. An additional one-tenth of the amounts of the special purpose apportionment shall be included in the warrants for the months from January to June, inclusive.

(6) Warrants in June shall include the total amounts certified by the Superintendent of Public Instruction as the final apportionment.

(b) The drawing of the warrants required to be drawn during any one of the months mentioned may be postponed by the Controller for not to exceed 30 days, but the total amounts due the several counties during any fiscal year shall be paid within the fiscal year. The warrants shall be paid by the State Treasurer from the State School Fund and are not subject to the provisions of Government Code Section 16003.

CHAPTER 1555

An act to provide for meeting the building needs of the California public junior colleges by adoption of a construction program therefor, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California, and by providing for the handling and disposition of said funds, making an appropriation therefor, and providing for the submission of the measure to the people at a special election to be consolidated with the 1968 primary election.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the Junior College Construction Program Bond Act of 1968.

SEC. 2. The purpose of this act is to provide the necessary funds to meet the major building construction, equipment and site acquisition needs of California public junior colleges.

Proceeds of the bonds authorized to be issued under this act, in an amount or amounts which the Legislature shall determine, shall be used for major building construction, acquisition of equipment, and acquisition of sites for California public junior colleges under the Junior College Construction Act (Chapter 18 (commencing with Section 20010) of Division 14 of the Education Code), as it may be amended from time to time, or under any act enacted to succeed the Junior College Construction Act.

SEC. 3. Bonds in the total amount of sixty-five million dollars ($65,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in Section 2 of this act, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Government Code Section 16724.5. Said bonds shall be known and designated as Junior College Construction Program bonds and, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California are hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

SEC. 4. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

SEC. 5. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this act, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 8 of this act, which sum is appropriated without regard to fiscal years.

SEC. 6. The proceeds of bonds issued and sold pursuant to this act, together with interest earned thereon, if any, shall be deposited in the State Construction Program Fund. The money so deposited in the fund shall be reserved and allocated solely for expenditure for the purposes specified in this act and only pursuant to appropriation by the Legislature.

SEC. 7. The Department of Finance, which is hereby designated as the board for the purposes of this act, shall annually total the appropriations referred to in Section 6 and, pursuant to Section 16730 of the Government Code, request the State Construction Program Committee to cause bonds to be issued and sold in quantities sufficient to carry out the projects for which such appropriations were made.

SEC. 8. For the purposes of carrying out the provisions of this act the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this act. Any amounts withdrawn shall be deposited in the State Construction Program Fund, and shall be reserved, allocated for expenditure, and expended as specified in Section 6 of this act. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this act, together with interest at the rate of interest fixed in the bonds so sold.

SEC. 9 The bonds authorized by this act shall be prepared, executed, issued, sold, paid and redeemed as provided in the State General Obligation Bond Law (Chapter 4 of Part 3, Division 4, Title 2 of the Government Code), and all of the provisions of said law are applicable to said bonds and to this act, and are hereby incorporated in this act as though set forth in full herein.

SEC. 10. The State Construction Program Committee is hereby created. The committee shall consist of the Governor, the State Controller, the State Treasurer, the Director of Finance, and the Director of the Coordinating Council for Higher Education. For the purpose of this act the State Construction Program Committee shall be "the committee" as that term is used in the State General Obligation Bond Law.

SEC. 11. Sections 1 to 10 of this act shall take effect upon the adoption by the people of the Junior College Construction

Program Bond Act of 1968, as set forth in Sections 1 to 10 of this act. Sections 11 to 16 of this act contain provisions relating to and necessary for the submission of the Junior College Construction Program Bond Act of 1968 to the people and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 12. A special election is hereby called to be held throughout the state on the fourth day of June, 1968. The special election shall be consolidated with the primary election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act, and only one form of ballot and ballot pamphlet shall be used. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 13. At the special election called by this act there shall be submitted to the electors Sections 1 to 10 of this act.

SEC. 14. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing primary elections insofar as provisions thereof are applicable to the election provided for in this act.

SEC. 15. All ballots of said election shall have printed thereon in boldface type and in a square thereof, the words: "For bonds to provide junior college facilities." In the square immediately below the square containing such words there shall be printed on said ballot in boldface type the words: "Against bonds to provide junior college facilities." In each square containing the language specified above, immediately below that language and enclosed in parentheses, there shall be printed in 8-point type, the words: "This act provides for a bond issue of sixty-five million dollars ($65,000,000)." Opposite the words: "For bonds to provide junior college facilities," and the language immediately following such statement, and "Against bonds to provide junior college facilities," and the language immediately following such statement, there shall be left spaces in which voters may place a cross in the manner required by law to indicate whether they vote for or against said act. Those voting for said bonds shall do so by placing a cross opposite the words: "For bonds to provide junior college facilities," and those voting against said bonds shall do so by placing a cross opposite the words: "Against bonds to provide junior college facilities"; provided that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent

of this section, the use of such voting machines and the expression of the voter's choice by means thereof, shall be deemed to comply with the provisions of this section. The measures shall appear on the ballot and in the ballot pamphlets in substantially the following form:

FOR BONDS TO PROVIDE JUNIOR COLLEGE FACILITIES. (This act provides for a bond issue of sixty-five million dollars ($65,000,000).)	
AGAINST BONDS TO PROVIDE JUNIOR COLLEGE FACILITIES. (This act provides for a bond issue of sixty-five million dollars ($65,000,000).)	

The Governor of this state shall include the submission of the measure to the people, as aforesaid, in his proclamation calling for said election.

SEC. 16. If it appears that the measure shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against the measure then the same shall be and become void.

CHAPTER 1556

An act to add Chapter 2 (commencing with Section 14200) to Division 6 of, and to repeal Chapter 2 (commencing with Section 14200) of Division 6 of, the Business and Professions Code, relating to trademarks.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 (commencing with Section 14200) of Division 6 of the Business and Professions Code is repealed.

SEC. 2. Chapter 2 (commencing with Section 14200) is added to Division 6 of the Business and Professions Code, to read:

CHAPTER 2. REGISTRATION AND PROTECTION OF TRADEMARKS

Article 1. Definitions and General Provisions

14200. This chapter of the Business and Professions Code constitutes the chapter on trademarks and may be cited as the "Trademark Law."

14201. Unless the context otherwise requires, the definitions and general provisions in this article govern the construction of this chapter.

14202. "Applicant" means any person filing an application for registration of a trademark under this chapter, his legal representatives, successors or assigns.

14203. "Mark" includes any trademark or service mark entitled to registration pursuant to this chapter whether registered or not.

14204. "Person" means any individual, firm, partnership, corporation, union, or association.

14205. "Registrant" means any person to whom the registration of a mark under this chapter is issued, his legal representatives, successors or assigns.

14206. "Service mark" means a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others.

14207. "Trademark" means any word, name, symbol, or device of any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others.

14208. "Trade name" means a word, name, symbol, device or any combination thereof used by a person to identify his business, vocation or occupation and distinguish it from the business, vocation or occupation of others.

14209. For the purposes of this chapter, a trademark shall be deemed to be "used" in this state (a) on goods when it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags or labels affixed thereto and such goods are sold or otherwise distributed in the state, and (b) on services when it is used or displayed in the sale or advertising of services and the services are rendered in this state.

14210. Nothing in this chapter shall adversely affect the rights or the enforcement of rights in marks acquired in good faith at any time at common law.

14211. If any provision of this chapter, or the application of such provision to any person or circumstance is held invalid, the remainder of this chapter shall not be affected thereby.

14212. This chapter shall not affect any suit, proceeding or appeal pending on the effective date of this chapter.

Article 2. Registrability

14220. A mark by which the goods or services of any applicant for registration may be distinguished from the goods or services of others shall not be registered if it is any of the following:

(a) Consists of or comprises immoral, deceptive or scandalous matter.

(b) Consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute.

(c) Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof.

(d) Consists of or comprises the name, signature or portrait of any living individual, except with his written consent.

(e) Consists of a mark which, (1) when applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them, or (2) when applied to the goods or services of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, or (3) is primarily merely a surname. Nothing in this subdivision shall, however, prevent the registration of a mark used in this state by the applicant which has become distinctive of the applicant's goods or services. The Secretary of State may accept as evidence that the mark has become distinctive, as applied to the applicant's goods or services, proof of continuous use thereof as a mark by the applicant in this state or elsewhere for the five years next preceding the date of the filing of the application for registration.

(f) Consists of or comprises a mark which so resembles a mark registered in this state or a mark or trade name previously used in this state by another and not abandoned, as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive.

Article 3. Application for Registration

14230. Subject to the limitations set forth in this chapter, any person who adopts and uses a mark in this state may file with the Secretary of State, on a form to be furnished by the Secretary of State for that purpose, an application for registration of that mark setting forth, but not limited to, all the following information:

(a) The name and business address of the person applying for such registration; and, if a corporation, the state of incorporation.

(b) The goods or services in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods or services and the class in which such goods or services fall.

(c) The date when the mark was first used anywhere and the date when it was first used in this state by the applicant or his predecessor in business.

(d) A statement that the applicant is the owner of the mark and that no other person has the right to use such mark in this

state either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

14231. The application shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying.

14232. The application shall be accompanied by a specimen or facsimile of such mark in quintuplicate.

14233. The application for registration shall be accompanied by a filing fee of ten dollars ($10), payable to the Secretary of State.

Article 4. Certificate of Registration

14240. Upon compliance by the applicant with the requirements of this chapter, the Secretary of State shall cause a certificate of registration to be issued and delivered to the applicant. The certificate of registration shall be issued under the signature of the Secretary of State and the seal of the state, and it shall show the name and business address and, if a corporation, the state of incorporation, of the person claiming ownership of the mark, the date claimed for the first use of the mark anywhere and the date claimed for the first use of the mark in this state, the class of goods or services and a description of the goods or services on which the mark is used, a copy, specimen, facsimile or counterpart of such mark as accepted and filed in the Secretary of State's office or a reproduction thereof, the registration date and the term of the registration.

14241. Any certificate of registration issued by the Secretary of State under the provisions of this chapter or a certificate by the Secretary of State setting forth the information contained in the certificate of registration shall be admissible in evidence as competent and sufficient proof of the registration of such mark in any action or judicial proceedings in any court of this state and shall be prima facie evidence of ownership of such mark as applied to the goods or services therein identified in the State of California.

Article 5. Duration and Renewal

14250. Registration of a mark, as provided by this chapter, shall be effective for a term of 10 years from the date of registration and, upon application filed within six months prior to the expiration of such term, on a form to be furnished by the Secretary of State for that purpose, the registration may be renewed for a like term. A renewal fee of ten dollars ($10), payable to the Secretary of State, shall accompany the application for renewal of the registration.

A mark registration may be renewed for successive periods of 10 years in like manner.

14251. The Secretary of State shall notify registrants of marks pursuant to this chapter of the necessity of renewal within the year next preceding the expiration of the 10 years from the date of registration, by writing to the last known address of the registrants.

14252. Any registration in force on the date on which this chapter shall become effective shall expire 10 years from the date of the registration or of the last renewal date or two years after the effective date of this chapter, whichever is later, and may be renewed by filing an application with the Secretary of State on a form furnished by him for that purpose and paying the renewal fee within six months prior to the expiration of the registration.

14253. All applications for renewals under this chapter, whether of registrations made pursuant to this chapter or of registrations effected under any prior act, shall include a statement that the mark is still in use in this state.

14254. The Secretary of State shall within one year after the effective date of this chapter notify all registrants of marks under previous law of the date of expiration of such registrations unless renewed in accordance with the provisions of this chapter, by writing to the last known address of the registrants.

Article 6. Assignment

14260. Any mark and its registration pursuant to this chapter shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Assignment shall be by instruments in writing duly executed and acknowledged and may be recorded with the Secretary of State upon the payment of a fee of five dollars ($5), payable to the Secretary of State who, upon recording of the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration under this chapter shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is recorded with the Secretary of State within three months after the date thereof or prior to such subsequent purchase.

Article 7. Records

14270. The Secretary of State shall keep for public examination a record of all marks registered or renewed under this chapter.

Article 8. Cancellation

14280. The Secretary of State shall cancel from the register:

(a) After two years from the effective date of this chapter, all registrations under prior acts which are more than 10 years old and not renewed in accordance with this chapter.

(b) Any registration concerning which the Secretary of State shall receive a voluntary request for cancellation from the registrant or the assignee of record.

(c) All registrations granted under this chapter and not renewed in accordance with the provisions of Article 5 (commencing with Section 14250) of this chapter.

14281. The Secretary of State shall cancel from the register any registration concerning which a court of competent jurisdiction shall find any of the following:

(a) That the registered mark has been abandoned.

(b) That the registrant is not the owner of the mark.

(c) That the registration was granted improperly.

(d) That the registration was obtained fraudulently.

14282. When a court of competent jurisdiction orders cancellation of a registration on any other ground, the Secretary of State shall remove the registration from the register.

Article 9. Classification

14290. General classes of goods and services are established for convenience of administration of this chapter but not to limit or extend the applicant's or registrant's rights, and a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used comprised in a single class, but in no event shall a single application include goods or services upon which the mark is being used which fall within different classes of goods or services.

14291. The following shall be classified as "goods:"

1. Raw or partly prepared materials
2. Receptacles
3. Baggage, animal equipments, portfolios, and pocketbooks
4. Abrasives and polishing materials
5. Adhesives
6. Chemicals and chemical compositions
7. Cordage
8. Smokers' articles, not including tobacco products
9. Explosives, firearms, equipments, and projectiles
10. Fertilizers
11. Inks and inking materials
12. Construction materials
13. Hardware and plumbing and steamfitting supplies
14. Metals and metal castings and forgings
15. Oils and greases
16. Paints and painters' materials
17. Tobacco products
18. Medicines and pharmaceutical preparations
19. Vehicles
20. Linoleum and oiled cloth

21. Electrical apparatus, machines and supplies
22. Games, toys, and sporting goods
23. Cutlery, machinery, and tools, and parts thereof
24. Laundry appliances and machines
25. Locks and safes
26. Measuring and scientific appliances
27. Horological instruments
28. Jewelry and precious-metal ware
29. Brooms, brushes, and dusters
30. Crockery, earthenware, and porcelain
31. Filters and refrigerators
32. Furniture and upholstery
33. Glassware
34. Heating, lighting, and ventilating apparatus
35. Belting, hose, machinery packing, and nonmetallic tires
36. Musical instruments and supplies
37. Paper and stationery
38. Prints and publications
39. Clothing
40. Fancy goods, furnishings, and notions
41. Canes, parasols, and umbrellas
42. Knitted, netted and textile fabrics, and substitutes therefor
43. Thread and yarn
44. Dental, medical, and surgical appliances
45. Soft drinks and carbonated waters
46. Foods and ingredients of foods
47. Wines
48. Malt beverage and liquors
49. Distilled alcoholic liquors
50. Merchandise not otherwise classified
51. Cosmetics and toilet preparations
52. Detergents and soaps

14292. The following shall be classified as "services":

100. Miscellaneous
101. Advertising and business
102. Insurance and financial
103. Construction and repair
104. Communications
105. Transportation and storage
106. Material treatment
107. Education and entertainment

Article 10. Fraudulent Registration

14300. Any person who shall for himself, or on behalf of any other person, procure the filing or registration of any mark in the office of the Secretary of State under the provisions of this chapter by knowingly making any false or fraudulent representation or declaration, verbally or in writing, or by any other fraudulent means, shall be liable to pay all damages sustained in consequence of such filing or registra-

tion, to be recovered by or on behalf of the party injured thereby in any court of competent jurisdiction.

Article 11. Infringement

14320. Subject to the provisions of Section 14340 a person shall be subject to a civil action by the owner of a registered mark and the remedies provided in Section 14330 for any of the following:

(a) Use, without the consent of the registrant, any reproduction, counterfeit, copy, or colorable imitation of a mark registered under this chapter in connection with the sale, offering for sale, or advertising of any goods or services on or in connection with which such use is likely to cause confusion or mistake or to deceive as to the source of origin of such goods or services.

(b) Reproduce, counterfeit, copy or colorably imitate any such mark and apply such reproduction, counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in conjunction with the sale or other distribution in this state of such goods or services. The registrant shall not be entitled under this subdivision to recover profits or damages unless the acts have been committed with knowledge that such mark is intended to be used to cause confusion or mistake or to deceive.

Article 12. Dilution

14330. Likelihood of injury to business reputation or of dilution of the distinctive quality of a mark registered under this chapter, or a mark valid at common law, or a trade name valid at common law, shall be a ground for injunctive relief notwithstanding the absence of competition between the parties or the absence of confusion as to the source of goods or services.

Article 13. Remedies

14340. Any owner of a mark registered under this chapter may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof and any court of competent jurisdiction may grant injunctions to restrain such manufacture, use, display or sale as may be by such court deemed just and reasonable, and may require the defendants to pay to such owner all profits derived from, or all damages suffered by reason of such wrongful manufacture, use, display or sale; and such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

14341. The enumeration of any right or remedy in this chapter shall not affect a registrant's right to prosecute under any penal law of this state.

14342. No service mark registered pursuant to this chapter shall be enforced under the provisions of Section 14320, 14330, or 14340 against any party who has adopted and lawfully used the same or a confusingly similar service mark in the rendition of like services in the State of California from a date prior to the effective date of registration of the service mark under this chapter.

CHAPTER 1557

An act to amend Sections 17120, 17207, 17253, 17254, 17257 and 18191 of, to add Sections 17121, 17122 and 17257.5 to, and to repeal Sections 17255, 17259, 17260 and 17261 of, the Revenue and Taxation Code, relating to personal income taxes, to take effect immediately.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 17120 of the Revenue and Taxation Code is amended to read:

17120. (a) There shall be included in the gross income of an employee for the taxable year an amount equal to the cost of group-term life insurance on his life provided for part or all of such year under a policy (or policies) carried directly or indirectly by his employer (or employers); but only to the extent that such cost exceeds the sum of—

(1) The cost of fifty thousand dollars ($50,000) of such insurance, and

(2) The amount (if any) paid by the employee toward the purchase of such insurance.

(b) Subdivision (a) shall not apply to—

(1) The cost of group-term life insurance on the life of an individual which is provided under a policy carried directly or indirectly by an employer after such individual has terminated his employment with such employer and either has reached the retirement age with respect to such employer or is disabled (within the meaning of Section 17257.5).

(2) The cost of any portion of the group-term life insurance on the life of an employee provided during part or all of the taxable year of the employee under which—

(A) The employer is directly or indirectly the beneficiary; or

(B) A person described in Section 17214 is the sole beneficiary,

for the entire period during such taxable year for which the employee receives such insurance.

(c) For purposes of this section and Section 18802.5, the cost of group-term insurance on the life of an employee provided during any period shall be determined on the basis of

uniform premiums (computed on the basis of five-year age brackets) prescribed by regulations by the Franchise Tax Board. In the case of an employee who has attained age 64, the cost prescribed shall not exceed the cost with respect to such individual if he were age 63.

(d) In applying this section to a taxable year beginning before May 1, 1964, if paragraph (2) (B) of such section applies with respect to an employee for the period beginning May 1, 1964, and ending with the close of his first taxable year ending after April 30, 1964, such paragraph (2) (B) shall be treated as applying with respect to such employee for the period beginning January 1, 1964, and ending April 30, 1964.

SEC. 2. Section 17121 is added to the Revenue and Taxation Code, to read:

17121. For purposes of this part, a Peace Corps volunteer shall be deemed to be paid and to receive each amount of readjustment allowance to which he is entitled after December 31, 1966, when such amount is transferred from funds made available under the Peace Corps Act (79 Stat. 549; 22 U.S.C. 2502) to the fund from which such readjustment allowance is payable.

SEC. 3. Section 17122 is added to the Revenue and Taxation Code, to read:

17122. The amount of any increase in the suspense account required by paragraph (4) (B) (ii) of Section 17207 (relating to certain debt obligations guaranteed by dealers) shall be included in gross income for the taxable year for which such increase is required.

SEC. 4. Section 17207 of the Revenue and Taxation Code is amended to read:

17207. (a) (1) There shall be allowed as a deduction any debt which becomes worthless within the taxable year; (2) When satisfied that a debt is recoverable only in part, the Franchise Tax Board may allow such debt in an amount not in excess of the part charged off within the taxable year, as a deduction.

(b) For purposes of subdivision (a), the basis for determining the amount of the deduction for any bad debt shall be the adjusted basis provided in Section 18041 for determining the loss from the sale or other disposition of property.

(c) In lieu of any deduction under subdivision (a), there shall be allowed (in the discretion of the Franchise Tax Board) a deduction for a reasonable addition to a reserve for bad debts.

(d) (1) (A) Subdivisions (a) and (c) shall not apply to any nonbusiness debt; and

(B) Where any nonbusiness debt becomes worthless within the taxable year, the loss resulting therefrom shall be considered a loss from the sale or exchange, during the taxable year, of a capital asset held for not more than six months.

(2) For purposes of paragraph (1), the term "nonbusiness debt" means a debt other than—

(A) A debt created or acquired (as the case may be) in connection with a trade or business of the taxpayer; or

(B) A debt the loss from the worthlessness of which is incurred in the taxpayer's trade or business.

(e) This section shall not apply to a debt which is evidenced by a security as defined in Section 17206(g)(2)(C).

(f) A payment by the taxpayer in discharge of part or all of his obligation as a guarantor, endorser, or indemnitor of a noncorporate obligation the proceeds of which were used in the trade or business of the borrower shall be treated as a debt becoming worthless within such taxable year for purposes of this section (except that subdivision (d) shall not apply), but only if the obligation of the borrower to the person to whom such payment was made was worthless (without regard to such guaranty, endorsement, or indemnity) at the time of such payment.

(g) (1) In the case of a taxpayer who is a dealer in property, in lieu of any deduction under subdivision (a), there shall be allowed (in the discretion of the Franchise Tax Board) for any taxable year beginning on and after January 1, 1967, a deduction—

(A) for a resonable addition to a reserve for bad debts which, may arise out of his liability as a guarantor, endorser, or indemnitor of debt obligations arising out of the sale by him of real property or tangible personal property (including related services) in the ordinary course of his trade or business; and

(B) for the amount of any reduction in the suspense account required by paragraph (4) (B) (i).

(2) Except as provided in paragraph (1), no deduction shall be allowed to a taxpayer for any addition to a reserve for bad debts which may arise out of his liability as guarantor, endorser, or indemnitor of debt obligations.

(3) The opening balance of a reserve described in paragraph (1)(A) for the first taxable year beginning on and after January 1, 1967, for which a taxpayer maintains such reserve shall, under regulations prescribed by the Franchise Tax Board, be determined as if the taxpayer had maintained such reserve for the preceding taxable years.

(4) (A) Except as provided by subparagraph (C), each taxpayer who maintains a reserve described in paragraph (1)(A) shall, for purposes of this subdivision and Section 17122, establish and maintain a suspense account. The initial balance of such account shall be equal to the opening balance described in paragraph (3).

(B) At the close of each taxable year the suspense account shall be—

(i) reduced by the excess of the suspense account at the beginning of the year over the reserve described in paragraph (1)(A) (after making the addition for such year provided in such paragraph), or

(ii) increased (but not to an amount greater than the initial balance of the suspense account) by the excess of the reserve described in paragraph (1)(A) (after making the addition for such year provided in such paragraph) over the suspense account at the beginning of such year.

(C) Subparagraphs (A) and (B) shall not apply in the case of the taxpayer who maintained for his last taxable year beginning before January 1, 1967, a reserve for bad debts under subdivision (c) which included debt obligations described in paragraph (1)(A).

(5) If the taxpayer establishes a reserve under subdivision (g)(1) of this section for a taxable year beginning on and after January 1, 1967, and ending before December 1, 1968, the establishment of such reserve shall not be considered as a change in method of accounting for purposes of Section 17561(e).

SEC. 5. Section 17253 of the Revenue and Taxation Code is amended to read:

17253. There shall be allowed as a deduction the following amounts, not compensated for by insurance or otherwise—

(a) The amount by which the amount of the expenses paid during the taxable year (reduced by any amount deductible under subdivision (b)) for medical care of the taxpayer, his spouse, and dependents (as defined in Section 17182) exceeds 3 percent of the adjusted gross income, and

(b) An amount (not in excess of $150) equal to one-half of the expenses paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents.

SEC. 6. Section 17254 of the Revenue and Taxation Code is amended to read:

17254. Amounts paid during the taxable year for medicine and drugs which (but for this section) would be taken into account in computing the deduction under Section 17253 shall be taken into account only to the extent that the aggregate of such amounts exceeds 1 percent of the adjusted gross income.

SEC. 7. Section 17255 of the Revenue and Taxation Code is repealed.

SEC. 8. Section 17257 of the Revenue and Taxation Code is amended to read:

17257. (a) The term "medical care" means amounts paid—

(1) For the diagnosis, cure, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body,

(2) For transportation primarily for and essential to medical care referred to in paragraph (1), or

(3) For insurance (including amounts paid as premiums under Part B of Title XVIII of the Social Security Act, relating to supplementary medical insurance for the aged) covering medical care referred to in paragraphs (1) and (2).

(b) In the case of an insurance contract under which amounts are payable for other than medical care referred to in paragraphs (1) and (2) of subdivision (a)—

(1) No amount shall be treated as paid for insurance to which subdivision (a)(3) applies unless the charge for such insurance is either separately stated in the contract, or furnished to the policyholder by the insurance company in a separate statement.

(2) The amount taken into account as the amount paid for such insurance shall not exceed such charge, and

(3) No amount shall be treated as paid for such insurance if the amount specified in the contract (or furnished to the policyholder by the insurance company in a separate statement) as the charge for such insurance is unreasonably large in relation to the total charges under the contract.

(c) Subject to the limitations of subdivision (b), premiums paid during the taxable year by a taxpayer before he attains the age of 65 for insurance covering medical care (within the meaning of paragraphs (1) and (2) of subdivision (a) for the taxpayer, his spouse, or a dependent after the taxpayer attains the age of 65 shall be treated as expenses paid during the taxable year for insurance which constitutes medical care if premiums for such insurance are payable (on a level payment basis) under the contract for a period of 10 years or more or until the year in which the taxpayer attains the age of 65 (but in no case for a period of less than five years).

SEC. 9. Section 17257.5 is added to the Revenue and Taxation Code, to read:

17257.5. For purposes of this part, an individual shall be considered to be disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be disabled unless he furnishes proof of the existence thereof in such form and manner as the Franchise Tax Board may require.

SEC. 10. Section 17259 of the Revenue and Taxation Code is repealed.

SEC. 11. Section 17260 of the Revenue and Taxation Code is repealed.

SEC. 12. Section 17261 of the Revenue and Taxation Code is repealed.

SEC. 13. Section 18191 of the Revenue and Taxation Code is amended to read:

18191. (a) Gain or loss attributable to the sale or exchange of, or loss attributable to failure to exercise, a privilege or option to buy or sell property shall be considered gain or loss from the sale or exchange of property which has the same character as the property to which the option or privilege relates has in the hands of the taxpayer (or would have in the hands of the taxpayer if acquired by him).

(b) For purposes of subdivision (a), if loss is attributable to failure to exercise a privilege or option, the privilege or option shall be deemed to have been sold or exchanged on the day it expired

(c) (1) In the case of gain on lapse of an option granted by the taxpayer as part of a straddle, the gain shall be deemed to be gain from the sale or exchange of a capital asset held for not more than six months on the day that the option expired.

(2) This subdivision shall not apply to any person who holds securities for sale to customers in the ordinary course of his trade or business.

(3) For purposes of this subdivision—

(A) The term "straddle" means a simultaneously granted combination of an option to buy, and an option to sell, the same quantity of a security at the same price during the same period of time.

(B) The term "security" has the meaning assigned to such term by Section 18196(c).

(d) This section shall not apply to—

(1) A privilege or option which constitutes property described in subdivision (a) of Section 18161;

(2) In the case of gain attributable to the sale or exchange of a privilege or option, any income derived in connection with such privilege or option which, without regard to this section, is treated as other than gain from the sale or exchange of a capital asset;

(3) A loss attributable to failure to exercise an option described in Section 18188; or

(4) Gain attributable to the sale or exchange of a privilege or option acquired by the taxpayer before March 1, 1959, if in the hands of the taxpayer such privilege or option is a capital asset.

SEC. 14. The provisions of this act shall be operative with respect to taxable years beginning on and after January 1, 1967.

SEC. 15. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1558

An act to amend Sections 6951, 6952 and 6952.5 of the Education Code, relating to education of mentally retarded minors.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 6951 of the Education Code is amended to read:

6951. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in a regularly established licensed children's institution located either within or without the boundaries of the district, the district shall be reimbursed for the actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the children's institution. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in an institution or in a family home, pursuant to a commitment or placement under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code, located either within or without the boundaries of the district, or whenever a school district provides education in special schools or classes for mentally retarded minors coming within the provisions of Section 6902 or 6903, or physically handicapped minors coming within the provisions of Section 6801, who reside in a licensed children's institution or family home located either within or without the boundaries of the district, the district shall be reimbursed for the actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the institution or home. If the child's prior residence cannot be ascertained or if his residence was outside the State of California, the district shall be reimbursed for the actual cost of educating such child by the county or city and county in which the institution or family home is located. The pupil residing in an institution or family home under this section does not acquire residence in the district wherein the institution or family home is located during the period of residence in the institution or family home.

SEC. 2. Section 6952 of the Education Code is amended to read:

6952. The county or city and county of which any minor described in Section 6950 or Section 6951 is a resident shall at the close of each school year pay to the district or county superintendent of school educating such minor the cost of educating such minor during the school year. The cost shall be determined by dividing the total current expenses of the school district or county superintendent of schools during such school year less all apportionments from the state or allocations from the federal government received by the district or county superintendent of schools during such school year, by the total number of units of average daily attendance in such school district or in programs maintained by the county superintendent of schools during such school year.

The county or city and county of which any such minor is a resident shall at the close of each school year also pay to the district or county superintendent of schools educating such minor the excess expenditures of educating such minor during the school year. The excess expenditures shall be determined

by dividing the total excess expenditures of the school district or county superintendent of schools during such school year on account of educating such minors less all special purpose apportionments from the state or allocations from the federal government on account of the excess costs of educating such minors by the total number of units of average daily attendance of such minors in such school, classes, facilities, or programs during such school year.

The average daily attendance for all such minors who attend a junior high school in accordance with Sections 5601 to 5612, inclusive, shall be credited to the elementary district in which the institution is located for apportionment purposes.

For the purpose of this section "excess expenditures" shall mean the additional expenditures made by the district during the school year for education of such minors described in this chapter.

SEC. 3. Section 6952.5 of the Education Code is amended to read:

6952.5. In addition to any other payments required by this chapter, where the education of children and minors described in Section 6951 or Section 6950 is provided in buildings or facilities owned by the school district or county superintendent of schools, the county or city and county of the minor's residence shall pay to the school district or county superintendent of schools, for the minor's use of the buildings and facilities and appurtenant equipment, an amount per unit of average daily attendance of such children during the school year prescribed by whichever of the following subdivisions is applicable:

(a) Thirty-five dollars ($35) if an elementary school district.

(b) Fifty-five dollars ($55) if a high school district.

(c) Forty-two dollars ($42) if a unified school district.

(d) Forty-four dollars ($44) if a county superintendent of schools.

The moneys so received by the school district shall be deposited to the credit of its bond interest and redemption fund or its building fund. The moneys so received by the county superintendent of schools shall be deposited to the credit of the county school service fund of the county for use in providing school buildings and facilities for the use of the county superintendent of schools in educating mentally retarded minors, physically handicapped minors, and nonimmigrant children, as the case may be.

Except for mentally retarded minors and physically handicapped minors, no payment shall be made to a district under this section for children described in Section 6951 unless the district educates in kindergarten or grades 1 through 12 at least 30 children described in Section 6951 in buildings or facilities owned by the district. No payment shall be made to

a district under this section for children described in Section 6950 unless the district educates in kindergarten or grades 1 through 12 at least 30 children described in Section 6950 in buildings or facilities owned by the district.

CHAPTER 1559

An act to amend Sections 23320, 23954.5, 24071, 24072, 24072.2, and 24072.5 of, and to add Section 23368.1 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 23320 of the Business and Professions Code is amended to read:

23320. The following are the types of licenses to be issued under this division and the annual fees to be charged therefor:

(1)	Beer manufacturer's license	
(a)	Steam beer manufacturer exclusively	$56.00 per year
(b)	All other beer manufacturer	828.00 per year
(2)	Winegrower's license or wine blender's license (to be computed only on the gallonage produced or blended), 5,000 gallons or less	22.00 per year
	Over 5,000 gallons to 20,000 gallons per year	44.00 per year
	Over 20,000 to 100,000 gallons per year	82.50 per year
	Over 100,000 to 200,000 gallons per year	110.00 per year
	Over 200,000 gallons to 1,000,000 gallons per year	165.00 per year
	For each 1,000,000 gallons or fraction thereof over 1,000,000 gallons an additional	110.00 per year
(3)	Brandy manufacturer's license	168.00 per year
(4)	Distilled spirits manufacturer's license	276.00 per year
(5)	Distilled spirits manufacturer's agent's license	276.00 per year
(6)	Still license	12.00 per year
(7)	Rectifier's license	276.00 per year
(7a)	Distilled spirits rectifier's general license	276.00 per year
(8)	Wine rectifier's license	276.00 per year
(9)	Beer and wine importer's license	No fee

(10) Beer and wine importer's general license	56.00 per year
(11) Brandy importer's license	No fee
(12) Distilled spirits importer's license	No fee
(13) Distilled spirits importer's general license	276.00 per year
(14) Public warehouse license	12.00 per year
(15) Customs broker's license	12.00 per year
(16) Wine broker's license	56.00 per year
(17) Beer and wine wholesaler's license	56.00 per year
(18) Distilled spirits wholesaler's license	276.00 per year
(19) Industrial alcohol dealer's license	56.00 per year
(20) Retail package off-sale beer and wine license	24.00 per year
(21) Retail package off-sale general license for under $20,000 gross retail sales of distilled spirits per year	200.00 per year
In addition, for $20,000 or more gross retail sales of distilled spirits per year	200.00 per year
(22) On-sale beer license	168.00 per year
(23) On-sale beer and wine license	168.00 per year
(24) On-sale beer and wine license for trains (per train)	16.00 per year
(25) On-sale beer license for fishing party boats (per boat)	32.00 per year
(26) On-sale beer and wine license for boats (per boat)	56.00 per year
(27) On-sale beer and wine license for airplanes (per scheduled flight)	16.00 per year
(28) On-sale general license:	
In cities of 40,000 population or over	580.00 per year
In cities of less than 40,000 but more than 20,000 population	412.00 per year
In all other localities	360.00 per year
(29) On-sale general license for seasonal business:	
In cities of 40,000 population or over	145.00 per quarter year
In cities of less than 40,000 but more than 20,000 population	103.00 per quarter year
In all other localities	90.00 per quarter year
(30) (a) On-sale general license for bona fide clubs, (b) Club license (issued under Article 4 of this chapter), or (c) Veterans' club license (issued under Article 5 of this chapter):	
In cities of 40,000 population or over	330.00 per year

	In cities of less than 40,000 but more than 20,000	248.00 per year
	In all other localities	220.00 per year
(31)	On-sale general license for trains and sleeping cars	128.00 per year
	Duplicate on-sale general license for trains and sleeping car companies	32.00 per year
(32)	On-sale general license for boats	332.00 per year
(33)	On-sale general license for airplanes	332.00 per year
	Duplicate on-sale general license for air common carriers	10.00 per year
(34)	On-sale general license for vessels of more than 1,000 tons burden	128.00 per year
	Duplicate on-sale general license for vessels of more than 1,000 tons burden	32.00 per year

SEC. 1.5. Section 23368.1 is added to the Business and Professions Code, to read:

23368.1. A distilled spirits rectifier's general license authorizes the person to whom issued to cut, blend, rectify, mix, flavor, and color distilled spirits, and whether so cut, blended, mixed, flavored, or colored by him or any other person to package, label, export, and sell the distilled spirits to distilled spirits manufacturers, distilled spirits manufacturer's agents, distilled spirits wholesalers, distilled spirits general importers, rectifiers, and distilled spirits general rectifiers.

No distilled spirits rectifier's general license shall be issued to any person who holds an interest, directly or indirectly, in an on-sale or off-sale general license. The number of distilled spirits rectifier's general licenses which may be issued shall not be limited by the provisions of Section 23820.

A distilled spirits rectifier's general license may be issued to the same premises for which a manufacturer's, manufacturer's agent, importer's, rectifier's or wholesaler's license has been issued and is in effect whether issued to the same person or another person.

The fee for a distilled spirits rectifier's general license shall be two hundred seventy-six dollars ($276), which shall be deposited in the Alcoholic Beverage Control Fund.

SEC. 2. Section 23954.5 of the Business and Professions Code is amended to read:

23954.5. An applicant for an original on-sale general license shall, at the time of filing the application for the license, accompany the application with a fee of six thousand dollars ($6,000). At the time of filing an application for a license, an applicant for an original on-sale general license for seasonal business shall accompany the application with a fee of four thousand five hundred dollars ($4,500). An applicant for an original on-sale beer and wine license shall accompany the application with a fee of three hundred dollars ($300). An applicant for an original on-sale beer license shall accompany

the application with a fee of two hundred dollars ($200). An applicant for an original off-sale beer and wine license shall accompany the application with a fee of fifty dollars ($50). An applicant for an original off-sale general license shall, at the time of filing the application for the license, accompany the application with a fee of six thousand dollars ($6,000).

"Original on-sale general license," "original on-sale general license for seasonal business," "original on-sale beer and wine license," "original on-sale beer license," "original off-sale general license," and "original off-sale beer and wine license," as used in this division, does not include a license issued upon renewal or transfer of a license.

All money collected from the fees provided for in this section shall be deposited directly in the General Fund in the State Treasury, rather than in the Alcohol Beverage Control Fund as provided in Section 25761.

SEC. 3. Section 24071 of the Business and Professions Code is amended to read:

24071. The license of one spouse may be transferred to the other spouse when the application for transfer is made prior to the entry of a final decree of divorce, and the license of a decedent, minor ward, incompetent person, conservatee, bankrupt person, person for whose estate a receiver is appointed, or assignor for the benefit of creditors may be transferred by or to the surviving partners of a deceased licensee, the executor, administrator, conservator or guardian of an estate of a licensee, the surviving spouse of a deceased licensee in the event that the deceased licensee leaves no estate to be administered, the trustee of a bankrupt estate of a licensee, a receiver of the estate of a licensee, or an assignee for the benefit of creditors of a licensee with the consent of the assignor, or a license may be transferred between partners where no new partner is being licensed, or a license may be transferred between corporations whose outstanding shares of stock are owned by the same natural persons, or a licensee may transfer upon compliance with Section 24073 any license to a corporation whose entire stock is owned by the licensee, or his spouse, or a license may be transferred from a corporation to a person who owns, or whose spouse owns, the entire stock of the corporation, and the fee for transfer of each license is fifty dollars ($50). The regular transfer fee provided in Section 24072 shall be due and payable upon the subsequent transfer of 25 percent of the stock in a corporation to which a license has been transferred by a licensee or his spouse pursuant to this section. In no case shall a fee be charged for the transfer of an importer's license. All money collected from the fees provided for in this section shall be deposited directly in the General Fund in the State Treasury, rather than in the Alcohol Beverage Control Fund as provided in Section 25761.

SEC. 4. Section 24072 of the Business and Professions Code is amended to read:

24072. The following transfer fees shall be charged by the department: (a) The fee for transfer of a license other than a retail license from a licensee to another person is a fee equal to 70 percent of the annual fee for the license, except as provided in Section 24071. Section 23322 shall not apply to this transfer fee. (b) The fee for transfer of a retail license from a licensee to another person is a fee equal to 50 percent of the original fee for the license, but not to exceed one thousand two hundred fifty dollars ($1,250), or if no original fee is provided for by law, one hundred dollars ($100). (c) The fee for transfer of a license from one premises to another premises is one hundred dollars ($100). (d) Notwithstanding the other fee provisions of this section, the fee for a transfer of an off-sale general license from one county to another county shall be three thousand dollars ($3,000).

All money collected from the fees provided for in this section shall be deposited directly in the General Fund in the State Treasury, rather than in the Alcohol Beverage Control Fund as provided in Section 25761.

SEC. 5. Section 24072.2 of the Business and Professions Code is amended to read:

24072.2. Any person who has an on-sale license issued for a bona fide public eating place may exchange his license for a similar license for public premises, as defined in Section 23039, and any person who has such a license issued for public premises may exchange his license for a similar license for a bona fide public eating place. Such an exchange may be made at the time of renewal of the license sought to be exchanged, and not more than once between renewal periods, upon the approval of the department, the payment of an exchange fee of one hundred dollars ($100), and compliance with the provisions of this division relating to the issuance of an original license. All money collected from the fee provided for in this section shall be deposited directly in the General Fund in the State Treasury, rather than in the Alcohol Beverage Control Fund as provided in Section 25761.

SEC. 6. Section 24072.5 of the Business and Professions Code is amended to read:

24072.5. Any person who has any on-sale general license may exchange his license for a special on-sale general license and any person who has a special on-sale general license may exchange his license for an on-sale general license. Such exchange may be made at any time upon the approval of the department, the payment of an exchange fee of one hundred dollars ($100), and compliance with the provisions of this division relating to the issuance of an original license; provided, that the provisions of Sections 23985 and 23986 shall not apply to the exchange of an on-sale general license for a special on-sale general license. All money collected from the fee provided for in this section shall be deposited directly in the General Fund in the State Treasury, rather than in the Alcohol Beverage Control Fund as provided in Section 25761.

SEC. 7. Any revenues derived from increases in fees or assessments, or any additional fees, provided by this act shall not be available for expenditure until appropriated.

SEC. 8. Sections 1, 2, 3, 4, 5 and 6 of this act shall become operative on April 1, 1968.

CHAPTER 1560

An act to amend Section 31214 of the Education Code, relating to competitive scholarships.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 31214 of the Education Code is amended to read:

31214. Each competitive scholarship is for the period of one academic year and the award shall be for three hundred dollars ($300), four hundred dollars ($400), five hundred dollars ($500), six hundred dollars ($600), seven hundred dollars ($700), eight hundred dollars ($800), nine hundred dollars ($900), or not to exceed nine hundred dollars ($900) plus ninety percent (90%) of tuition and fees in excess of nine hundred dollars ($900) in one hundred dollar ($100) amounts at the college the award winner will attend, as required by applicant's financial need, as determined by the State Scholarship and Loan Commission, but in no event in excess of an amount equal to the tuition or necessary fees, or both tuition and fees, for the academic year, including summer terms or quarters of the institution at which the scholarship is used. No competitive scholarship awarded to an applicant under this section for the period of one academic year shall exceed the total amount of one thousand five hundred dollars ($1,500); except that the State Scholarship and Loan Commission may, for students who accelerate college attendance, increase the amount of award for one academic year proportional to the period of additional attendance resulting from attendance at a summer term or quarter. In the aggregate, the total amount a student would receive in a four-year period may not be increased as a result of accelerating his progress to a degree by attending summer terms or quarters. The State Scholarship and Loan Commission may provide by appropriate rules and regulations for such reports, accounting, and statements from the award winner and college or university of attendance pertaining to the use or application of the award as it may deem proper. A competitive scholarship may be renewed annually without an additional competitive examination until the award winner has received four annual awards or until he has been graduated from such an institution in an undergraduate course,

whichever is the earlier, provided that at or prior to such renewal the State Scholarship and Loan Commission shall reassess the financial needs of such award winner and establish the amount of the award within the limits prescribed by this section. The scholarship shall remain in effect only during the period that the award winner achieves satisfactory academic progress and is regularly enrolled as a full-time student in an institution of collegiate grade, as described in Section 31206.

No award shall exceed nine hundred dollars ($900) for a year except awards given for attendance during the 1964–65 fiscal year and thereafter.

CHAPTER 1561

An act to amend Sections 11557 and 11559 of, and to repeal Section 11559.5 of, the Government Code, and to amend Section 37060 of the Health and Safety Code, relating to salaries.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 11557 of the Government Code is amended to read:

11557. An annual salary of twenty-one thousand five hundred dollars ($21,500) shall be paid to each of the following:

(a) Director of California Disaster Office.

(b) Director of Professional and Vocational Standards.

(c) Director of Harbors and Watercraft.

(d) Director of Housing and Community Development.

SEC. 2. Section 11559 of the Government Code is amended to read:

11559. An annual salary of eighteen thousand dollars ($18,000) shall be paid to each of the following:

(a) State Fire Marshal.

(b) Consumer Counsel.

SEC. 2.5. Section 11559.5 of the Government Code is repealed.

SEC. 3. Section 37060 of the Health and Safety Code is amended to read:

37060. The division chiefs shall each receive a salary as shall be fixed by the director with the approval of the Department of Finance.

CHAPTER 1562

An act to add Article 3 (commencing with Section 25522) to Chapter 3 of Division 18.5 of the Education Code, relating to accreditation of junior colleges.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 25522) is added to Chapter 3 of Division 18.5 of the Education Code, to read:

Article 3. Accreditation of Junior Colleges

25522. The governing board of a district maintaining a junior college may pay the costs of accreditation of the junior colleges within the district by the regional accrediting association serving California.

(a) On each accrediting commission for junior colleges, there shall be a representative of the State Department of Education appointed by the Superintendent of Public Instruction.

(b) On each visiting team assigned by the accrediting association to review the program and facilities of a California junior college, there shall be a representative of the State Department of Education appointed by the Superintendent of Public Instruction, except when illness or other emergency prevents such representative from serving and there is not sufficient time for the superintendent to appoint a replacement.

25523. The provisions of Section 25522 do not prohibit the governing board of a district maintaining a junior college from paying the costs for accreditation by other accrediting agencies recognized by the United States Department of Health, Education, and Welfare, Office of Education.

CHAPTER 1563

An act to add Section 11052.5 to the Welfare and Institutions Code, relating to welfare applications.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 11052.5 is added to the Welfare and Institutions Code, to read:

11052.5. No applicant shall be granted public assistance until he is first personally interviewed by the office of the county department or state staff for patients in state hospitals. Such personal interview shall be conducted promptly following the application for assistance. If an applicant is incapable of acting in his own behalf, the county department shall verify this fact by personal contact with the applicant before aid is authorized. As used in this section, the term public assistance does not include health care as provided by Chapter 7 (commencing with Section 14000) and Chapter 8 (commencing with Section 14500) of Part 3 of Division 9 of this code.

The provisions of this section shall not apply to recipients of aid to the aged provided by Chapter 3 (commencing with Section 12000) of Part 3, Division 9, of this code.

The interview conducted pursuant to this section shall occur within 7 days after the time of application unless there are extenuating circumstances which justify further delay.

CHAPTER 1564

An act to add Article 6 (commencing with Section 6499) to Chapter 6.5 of Division 6 of the Education Code, relating to compensatory education.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 6499) is added to Chapter 6.5 of Division 6 of the Education Code, to read:

Article 6. Preschool Followthrough Programs

6499. It is the intent and purpose of the Legislature by this article to ensure that the instructional program in the early elementary grades in the public schools will complement preschool programs and reinforce the benefits afforded children who have participated therein, and will be directed to maintaining and raising the levels of educational achievement and potential of such children.

Preschool followthrough programs and projects conducted pursuant to this article shall comprise an essential component of compensatory education, and shall be included among and coordinated with other components of compensatory education programs. Except as otherwise specifically provided by this article, such programs and projects shall be subject to all other provisions of this chapter.

6499.1. From funds which may be appropriated therefor by the Legislature, or from federal funds which may be made available for the purpose, grants may be made to applicant school districts which have established projects or programs pursuant to this article. No matching-fund requirements shall be imposed as a condition upon entitlement to any such grant, unless otherwise required for purposes of establishing eligibility for federal funds. The grants shall be disbursed upon order of the Superintendent of Public Instruction and by warrants of the State Controller. Eligibility for grants and the expenditure thereof by the recipient school district shall be provided for by standards and requirements prescribed in rules and regulations of the State Board of Education.

6499.2. In accepting federal funds which may be made available for purposes of this article the people of the State of California agree to accept and comply with all conditions and requirements which may be prescribed in connection therewith by or under the authority of federal law.

The State Board of Education is designated as the state educational agency which shall carry out the purposes and provisions of any federal statute under which federal funds may be provided for purposes of this article. The board shall formulate and submit to the United States Commissioner or other designated federal officer or agency any state plan which may be required for such purposes, and shall have the power to revise and amend the same, as required, and shall have overall control and direction of its administration.

6499.3. Under the direction of the State Board of Education evaluations shall be made of the instructional programs provided in grades kindergarten, 1, 2, and 3 in selected elementary schools in the state in which are enrolled substantial numbers of pupils who have participated in preschool programs. The evaluations shall be directed to making determinations concerning the matters following:

(a) The extent to which the instructional programs complement the preschool training, reinforce the benefits afforded the children by participation therein, and effect continuity in the efforts to raise the level of educational attainment and potential of the children. For such purposes the State Board of Education may prescribe and direct a system of evaluation.

(b) The particular elements or components of the educational programs which should be emphasized or accelerated to accomplish the purposes specified in subdivision (a), or the particular elements and components which might be incorporated into the instructional programs to accomplish such purposes.

6499.4. The State Board of Education shall provide for the establishment of pilot preschool followthrough programs and projects in schools maintaining grades kindergarten, 1, 2 and 3 at the elementary level. The programs and projects shall be subject to the provisions of Section 6467.

6499.5. Pilot preschool followthrough programs and projects shall serve disadvantaged minors in kindergarten, and grades 1, 2, and 3, who have participated in preschool programs conducted pursuant to this chapter or pursuant to any other law of this state, or pursuant to federal law under which funds are provided for the programs, and shall include, to the extent that funds are available, any one or more of the following elements and components (in addition to others which may be determined to be essential under Section 6499.3):

(a) Reduction of pupil-teacher ratios. Reduction of such ratios to 20 to 1, or lower, at the kindergarten level, and to 25 to 1 or lower in grades 1, 2, and 3 at the elementary level, shall be the basic standards to which such efforts shall be directed.

(b) Establishment of single-session kindergarten programs, with the individual classroom teacher to be responsible for one, rather than two kindergarten classes.

(c) Utilization of teacher aides and other supporting staff personnel.

(d) Inservice professional study involving instruction and orientation of school district personnel, with emphasis on developing a better understanding of the disadvantaged children and their educational needs, and developing particular teaching techniques to meet those needs.

(e) Development of curricula and educational aides to meet the educational needs of disadvantaged children, with emphasis upon improving comprehension of, and facility in, the language, and cultural enrichment, and including the development of new approaches to the teaching of academic subjects which will enhance abstract thinking and sharpen the cognitive skills.

(f) Providing comprehensive health services, including medical and dental examinations, programs in nutrition, psychological counseling and speech therapy.

(g) Experimentation in grouping of children to realize the maximum benefits for children.

6499.6. Pilot preschool followthrough programs and projects shall be established on the basis of a geographical dispersion throughout the state which is most appropriate for purposes of this article, as determined by the State Board of Education. The programs and projects shall serve as demonstration models for other school districts in the state in the coordination of preschool, kindergarten and elementary grade instructional programs for the benefit of disadvantaged minors.

6499.7. Each school district maintaining a program or project pursuant to this article shall, at the times and in the form and manner prescribed by the Superintendent of Public Instruction, but no less than once each year, submit reports thereon.

6499.8. For purposes of securing consultative services in evaluating instructional programs in grades kindergarten and

1, 2, and 3, and in formulating pilot preschool followthrough programs and projects, the Director of Compensatory Education may appoint and direct the work of a professional task force on preschool followthrough programs, to serve as employees within the Department of Education.

6499.9. Federal funds which may be provided for purposes of this article shall bear all the costs of the administration of the provisions of this article by the State Board of Education and the State Department of Education.

CHAPTER 1565

An act to add Section 9034.1 to the Welfare and Institutions Code, relating to the Short-Doyle Act.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 9034.1 is added to the Welfare and Institutions Code, to read:

9034.1. From funds transferred from Item 126 to Item 276 of the Budget Act of 1967 for aftercare for those patients discharged from state hospitals as designated in Item 126, the state shall reimburse 100 percent of the expenditures for outpatient psychiatric clinic services for each such patient released from a state hospital incurred within 90 days from the date of his release.

This section shall remain in effect until June 30, 1968.

CHAPTER 1566

An act to add Article 2.5 (commencing with Section 13221) to Chapter 2 of Division 10 of the Education Code, relating to teacher education internships.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing with Section 13221) is added to Chapter 2 of Division 10 of the Education Code, to read:

Article 2.5. Teacher Education Internship Act of 1967

13221. This article shall be known and may be cited as the Teacher Education Internship Act of 1967.

13222. The intent of the Legislature in enacting this article is to increase the effectiveness of teachers and other professional school service personnel in the public schools of California by placing theory and practice as closely together as possible in college and university programs for the preparation of teachers and professional school service personnel. The Teacher Education Internship Act of 1967 is enacted to encourage the development and maintenance of preparation programs that are realistic and practical in content and theory and are directly related to the individual functions and responsibilities practitioners in the public schools of California face. The desirability of joining theory and practice during the learning period has been demonstrated amply in teaching internship programs during the past several years both within and without the state.

13223. Any school district may establish a teacher education internship program to meet the provisions of the statutes and of the regulations of the State Board of Education for regular standard teaching, pupil personnel, supervision, and administration credentials for non-California residents.

13224. For admission to all teaching internship programs authorized by this article, an applicant shall have a baccalaureate or higher degree from an out-of-state institution approved for credential purposes by the State Board of Education at the time the degree was earned.

13225. The State Board of Education through the Bureau of Teacher Education and Certification in the State Department of Education, hereafter called the bureau, shall issue an appropriate internship credential to each applicant, who meets the educational requirements and who is recommended by a school district with an average daily attendance of not less than 3,000 pupils. The bureau also shall issue an appropriate internship credential to each applicant who meets the educational requirements and who is recommended jointly by a school district with an average daily attendance of less than 3,000 and the county superintendent of schools of the county in which the district is located. The bureau shall, before issuing any internship credential, determine that the school district and a college or university have planned cooperatively and mutually agreed upon a plan to insure the success of the internship program. The bureau shall provide the necessary coordination between the school districts and the colleges and universities.

13226. An internship credential authorizes the same service at the same levels as the regular standard credential authorizes.

13227. The bureau shall make an evaluation for each applicant recommended or jointly recommended for an internship credential using, as the basis for the evaluation, the provisions of law and the requirements of the State Board of Education for the regular credential.

13228. Both the applicant and the school district shall be furnished a copy of the results of the evaluations and a copy shall be furnished to the county superintendent of schools when he recommends jointly with a school district.

13229. An internship credential shall be issued initially for a two-year period and may be renewed for two-year periods upon the recommendation of the district, upon completion of 12 semester hours of college and university work remaining to be completed for the regular credential as outlined in the evaluation made by the bureau, except that the first renewal shall require completion of 6 rather than 12 semester hours.

13230. An internship credential may be renewed by the bureau if in its judgment an applicant is unable to complete renewal requirements because of illness or other circumstances judged to be extenuating and not within the control of the applicant, and if such renewal is recommended by the employing district.

13231. For each renewal of an internship credential the school district, and the county superintendent of schools, in the case of joint recommendations, shall certify on forms furnished by the bureau that the applicant has completed the semester hours outlined by the district in consultation with the applicant.

13232. Prior to enrollment in any college or university preparation program to renew the internship credential, appropriate personnel in the employing school district shall counsel with the intern and a total program for the first and subsequent renewals shall be planned. The county superintendent of schools shall be involved in the program planning in the case of joint recommendations.

13233. The program shall meet the instructional or service needs of the district with the primary objective being to increase the effectiveness of the intern in the district. Both the district and the intern shall concur in the program planned.

13234. The full cooperation of colleges and universities is essential if teaching and service internship programs are to be successful. A school district establishing an internship program shall seek the cooperation of public and private colleges and universities, especially those within the geographic service area of the district for the establishment of courses and classes necessary for renewal.

13235. The intern shall have the right to attend any regionally accredited college or university of his choice for the completion of renewal requirements. The success of internship programs will lie in the development of integrated, well organized, and sequential programs of study by cooperating colleges and universities. When appropriate and feasible, colleges and universities may provide off-campus programs of study for interns within the geographic area of their employing school districts.

13236. The supervisory help and guidance of interns as they pursue their school district responsibilities are important for the success of such programs. The utilization of competent and qualified college and university staff members for this purpose is encouraged. To help achieve this end, school districts, and county superintendents of schools in the case of joint recommendations, may enter into agreements with colleges and universities for the employment of staff for such supervision.

13237. Salary payments for college and university supervision may be made out of district funds and may be met by reducing proportionately the salaries paid interns. Under this authorization no more than eight interns may be supervised by one college or university staff member and the normal district salary paid each intern may be reduced by as much as, but no more than, one-eighth to pay the salary of the supervisor. In no event may an intern be paid less than the minimum salary required to be paid by the state to a regularly certificated teacher.

13238. An intern shall have the right to change school districts upon completion of a school contract year and become an intern in a new school district if recommended by the new school district. A new application recommending issuance of a new internship credential shall be submitted by the school district in behalf of the individual and the renewal procedures shall be followed.

13239. A credential issued under Section 13225 shall be valid only as long as the holder is in good standing in the teacher internship program of the district that makes the request, notwithstanding any provision of Section 13238, and the rights provided by Sections 13442 and 13443 shall not be afforded to interns.

13240. A school district shall give special supervision and assistance to each intern above and beyond that given to other newly certificated and newly employed school personnel. A school district shall seek the assistance of the college or university in coordinating the program for the intern

13241. Interns shall not acquire tenure while serving on an internship credential, but each year of service as an intern shall count toward the achievement of tenure.

13242. Colleges and universities may continue the development and maintenance of internship credential programs under their own auspices seeking the cooperation of school districts in their full implementation.

CHAPTER 1567

An act to amend Sections 1647 and 1700.44 of, and to repeal Section 1647 of, the Labor Code, relating to appeals from employment agency and artists' manager controversy determinations.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1647 of the Labor Code is amended to read:

1647. In cases of controversy arising under this chapter the parties involved shall refer the matters in dispute to the Labor Commissioner, who shall hear and determine the same, subject to an appeal within 10 days after determination, to the superior court where the same shall be heard de novo. To stay any award for money, the party aggrieved shall execute a bond approved by the superior court in a sum not exceeding twice the amount of the judgment. In all other cases the bond shall be in a sum of not less than one thousand dollars ($1,000) and approved by the superior court.

The Labor Commissioner may certify without a hearing that there is no controversy within the meaning of this section if he has by investigation established that there is no dispute as to the amount of the fee due. Service of such certification shall be made upon all parties concerned by registered or certified mail with return receipt requested and such certification shall become conclusive 10 days after the date of mailing if no objection has been filed with the Labor Commissioner during that period.

SEC. 2. Section 1700.44 of the Labor Code is amended to read:

1700.44. In cases of controversy arising under this chapter the parties involved shall refer the matters in dispute to the Labor Commissioner, who shall hear and determine the same, subject to an appeal within 10 days after determination, to the superior court where the same shall be heard de novo. To stay any award for money, the party aggrieved shall execute a bond approved by the superior court in a sum not exceeding twice the amount of the judgment. In all other cases the bond shall be in a sum of not less than one thousand dollars ($1,000) and approved by the superior court.

The Labor Commissioner may certify without a hearing that there is no controversy within the meaning of this section if he has by investigation established that there is no dispute as to the amount of the fee due. Service of such certification shall be made upon all parties concerned by registered or certified mail with return receipt requested and such certification shall become conclusive 10 days after the date of mailing if

no objection has been filed with the Labor Commissioner during that period.

SEC. 3. Section 1647 of the Labor Code is repealed.

SEC. 4. Section 3 of this act shall become operative only if Assembly Bill No. 466 is enacted by the Legislature at its 1967 Regular Session, and in such case at the same time as Assembly Bill No. 466 takes effect; and in such case Section 1 of this act shall not become operative.

CHAPTER 1568

An act to add Section 4134 to the Welfare and Institutions Code, relating to state mental hospitals.

[Approved by Governor August 30, 1967 Filed with Secretary of State August 30, 1967]

The people of the State of California do enact as follows:

SECTION 1. Section 4134 is added to the Welfare and Institutions Code, to read:

4134. The state mental hospitals under the jurisdiction of the Department of Mental Hygiene shall comply with the provisions contained in the California Food Sanitation Act, Article 1 (commencing with Section 28280) of Chapter 7 of Division 21 of the Health and Safety Code.

The state mental hospitals under the jurisdiction of the Department of Mental Hygiene shall also comply with the provisions contained in the California Restaurant Act, Chapter 11 (commencing with Section 28520) of Division 21 of the Health and Safety Code.

Sanitation, health and hygiene standards which have been adopted by a city, county, or city and county which are more strict than those of the California Restaurant Act or the California Food Sanitation Act shall not be applicable to state mental hospitals which are under the jurisdiction of the Department of Mental Hygiene.

CHAPTER 1569

An act to add Sections 12664 and 12665 to the Water Code, relating to the Morrison Creek Stream Group Flood Control Project.

[Approved by Governor August 30, 1967 Filed with Secretary of State August 30, 1967]

The people of the State of California do enact as follows:

SECTION 1. Section 12664 is added to the Water Code, to read:

12664. The project for the Beach-Stone Lake Unit of the Morrison Creek Stream Group Flood Control Project is adopted and authorized substantially in accordance with the plans developed by the County of Sacramento at such estimated cost to the state as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department This authorization shall not be deemed to confer preference on this project over the needs of other statewide programs in appropriation of available funds.

SEC. 2. Section 12665 is added to the Water Code, to read:

12665. With respect to the project authorized in Section 12664, the County of Sacramento shall acquire the lands, easements, and rights-of-way, even though the project report has not been submitted by the Secretary of the Army or other authorized official to the Congress for project authorization, and may make application to the department for reimbursement pursuant to Section 12829 upon inclusion of the Beach-Stone Lake Unit of the Morrison Creek Stream Group Flood Control Project as part of a flood control project authorized by Congress. Prior to the acquisition of any lands, easements, or rights-of-way for the project, the County of Sacramento shall execute an agreement with the department under which it agrees to hold the state harmless from damages due to the construction, operation, or maintenance of the project.

CHAPTER 1570

An act to amend Section 4301 of the Fish and Game Code, relating to deer meat.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 4301 of the Fish and Game Code is amended to read:

4301. Subject to the provisions of this code permitting the sale of domestically raised game mammals, it is unlawful to sell or purchase, or transport for the purpose of sale, any deer meat in this state whether fresh, smoked, canned or preserved by any means, except that deer meat may be imported into this state only from a foreign country for the purpose of processing (manufacturing) and selling a product commonly known as venison or deer jerky or venison or deer salami, properly labeled as such, for human consumption. All such deer meat imported into this state shall meet all of the sanitary and inspection requirements for wholesomeness, except an ante mortem inspection, but including a post mortem inspection, as required for other meat imported for human consumption. Such deer meat shall be in an identifiable condition and accompanied by

a bill of lading, showing the name of the consignor, the consignee, and the weight of the deer meat shipped. A copy of the bill of lading must be delivered to the nearest office of the department either prior to or no later than two days after receipt of the deer meat. No such deer meat imported into California may leave the premises of the original consignee unless written permission is received from the department, or unless processed into the form of the product commonly known as jerky or salami. As used in this section, "deer" includes any animal of the family Cervidae.

CHAPTER 1571

An act making an appropriation for the expenses of the Senate, to take effect immediately.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the General Fund to the Senate Contingent Fund the sum of four hundred thousand dollars ($400,000) for expenses of the Senate and legislative committees thereof.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 8 of Article IV of the Constitution, take effect immediately.

CHAPTER 1572

An act to add Article 5j (commencing with Section 996.971) to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto; defining the powers and duties of the Veterans' Finance Committee of 1943 and of the Department of Veterans Affairs and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures, appropriating money for the pur-

pose of carrying out the provisions of the article; and providing for the submission of the measure to the people at a special election to be consolidated with the 1968 direct primary election.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Article 5j (commencing with Section 996.971) is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 5j. Veterans Bond Act of 1968

996.971. This article may be cited as the Veterans Bond Act of 1968.

996.972. The State General Obligation Bond Law, except as otherwise provided herein, is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this article, and the provisions of that law are included in this article as though set out in full in this article. All references in this article to "herein" shall be deemed to refer both to this article and such law.

996.973. As used in this article and for the purposes of this article as used in the State General Obligation Bond Law, Chapter 4 (commencing with Section 16720), Part 3, Division 4, Title 2 of the Government Code, the following words shall have the following meanings:

(a) "Bond" means veterans bond, a state general obligation bond issued pursuant to this article adopting the provisions of the State General Obligation Bond Law.

(b) "Committee" means the Veterans' Finance Committee of 1943, created by Section 991 of the Military and Veterans Code.

(c) "Board" means the Department of Veterans Affairs.

(d) "Fund" means the Veterans Farm and Home Building Fund of 1943 created by Section 988 of the Military and Veterans Code.

(e) "Bond Act" means this article authorizing the issuance of State General Obligation Bonds and adopting Chapter 4 (commencing with Section 16720), Part 3, Division 4, Title 2 of the Government Code by reference.

996.974. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and of all acts amendatory thereof and supplemental thereto, the Veterans' Finance Committee of 1943, created by Section 991, shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of

California, in the aggregate amount of two hundred million dollars ($200,000,000), in the manner provided herein, but not otherwise, nor in excess thereof.

996.975. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates on which funds are remitted pursuant to Section 16676 of the Government Code for the payment of the then maturing principal and interest on the bonds in each fiscal year, there shall be returned into the General Fund in the State Treasury, all of the money in the Veterans' Farm and Home Building Fund of 1943, not in excess of the principal of and interest on the said bonds then due and payable, except as hereinafter provided for the prior redemption of said bonds, and, in the event such money so returned on said remittance dates is less than said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of said Veterans' Farm and Home Building Fund of 1943 as soon thereafter as it shall become available, together with interest thereon from such dates of maturity until so returned at the same rate as borne by said bonds, compounded semiannually.

996.976. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this article, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this article, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 996.977 which sum is appropriated without regard to fiscal years.

996.977. For the purposes of carrying out the provisions of this article the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this article. Any amounts withdrawn shall be deposited in the Veterans' Farm and Home Building Fund of 1943. Any moneys made available under this article to the board shall be

returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this article, together with interest at the rate of interest fixed in the bonds so sold.

996.978. Upon request of the Department of Veterans Affairs, supported by a statement of the plans and projects of said department with respect thereto, and approved by the Governor, the Veterans' Finance Committee of 1943 shall determine whether or not it is necessary or desirable to issue any bonds authorized under this article in order to carry such plans and projects into execution, and, if so, the amount of bonds then to be issued and sold. Successive issues of bonds may be authorized and sold to carry out said plans and projects progressively, and it shall not be necessary that all the bonds herein authorized to be issued shall be sold at any one time.

996.979. So long as any bonds authorized under this article may be outstanding, the Director of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, such survey to be made by an independent public accountant of recognized standing. The results of such surveys and projections shall be set forth in written reports and said independent public accountant shall forward copies of said reports to the Director of Veterans Affairs, the members of the California Veterans Board, or, if such board is redesignated by the Legislature as the California Veterans Advisory Board, the members of the California Veterans Advisory Board, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse said independent public accountant for his services out of any funds which said division may have available on deposit with the Treasurer of the State of California.

996.980. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer.

996.981. Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the General Obligation Bond Expense Revolving Fund established by Section 16724.5 of the Government Code such sums as have been expended for the purposes specified in Section 16724.5 of the Government Code, which may be used for the same purpose and repaid in the same manner whenever additional sales are made.

SEC. 2. Section 1 of this act shall take effect upon the adoption by the people of the Veterans Bond Act of 1968, as set forth in Section 1 of this act. Sections 2 to 6, inclusive, of this act contain provisions relating to and necessary for the submission of the Veterans Bond Act of 1968 to the people, and

for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. A special election is hereby called to be held throughout the state on the fourth day of June, 1968. The special election shall be consolidated with the direct primary election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used.

SEC. 4. At the special election called by this act there shall be submitted to the electors Section 1 of this act.

SEC. 5. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act.

SEC. 6. All ballots at said election shall have printed thereon and in a square thereof, the words: "For the Veterans Bond Act of 1968," and the same square under said words the following in eight-point type: "This act provides for a bond issue of two hundred million dollars ($200,000,000) to provide farm and home aid for California veterans." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the Veterans Bond Act of 1968," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of two hundred million dollars ($200,000,000) to provide farm and home aid for California veterans." Opposite the words "For the Veterans Bond Act of 1968," and "Against the Veterans Bond Act of 1968," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words, "For the Veterans Bond Act of 1968," and those voting against the said act shall do so by placing a cross opposite the words "Against the Veterans Bond Act of 1968." Provided, that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said election.

CHAPTER 1573

An act to amend Sections 13511 and 20704 of the Education Code, to add Sections 371, 372, 13529.5, 21116 and 21117 to the Education Code, to repeal Section 805 of the Education Code, to add Chapter 2 (commencing with Section 20601) to Division 16 of the Education Code, to repeal Chapter 2 (commencing with Section 20601) of Division 16 of the Education Code, and to repeal Section 650 of the Revenue and Taxation Code, relating to school district budgeting, and making an appropriation therefor.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 371 is added to the Education Code, to read:

371. The Department of Education shall:

(a) Revise and update budget manuals, forms and guidelines.

(b) Cooperate with federal and state agencies in prescribing rules and regulations, and instructions required by such agencies.

(c) Assess the needs and methods of collecting and disseminating financial information.

(d) Conduct workshops and conferences for the purpose of training school district and county personnel.

(e) Provide consultant services to colleges and universities on courses of instruction relative to school budgets and accounting practices.

SEC. 2. Section 372 is added to the Education Code, to read:

372. The Department of Education shall cooperate with the Commission on School District Budgeting and Accounting; and shall as directed by the commission:

(a) Prepare and compile agenda items and research materials for the commission.

(b) Prepare and direct the execution of any provisions of agreements entered into by the commission for the formulation of a program budgeting and accounting system.

(c) Organize pilot projects for testing any program budgeting and accounting system.

(d) Recommend any change or revision of law necessary to effectuate any program budgeting and accounting system.

(e) Promote any program of budgeting and accounting system through cooperative working arrangements with interested public and private agencies and associations.

(f) Coordinate the budgeting and accounting activities of interested public and private agencies and associations.

SEC. 3. Section 805 of the Education Code is repealed.

SEC. 4. Section 13511 of the Education Code is amended to read:

13511. No order for a warrant, and no warrant drawn pursuant to Section 21116, shall be drawn in favor of any person employed in a position requiring certification qualifications, unless such person is at the time the holder of a proper certification document in full force for the full time for which the requisition or warrant, as the case may be, is drawn, and on file or registered as required by law at the time and unless he is employed by the governing board of the junior college district, unified school district, or district with over 10,000 average daily attendance or by the county superintendent of schools as provided in this code.

SEC. 5. Section 13529.5 is added to the Education Code, to read:

13529.5. Whenever reports are required to be filed with the county superintendent of schools by certificated employees of districts authorized to issue warrants under the provision of Section 21116 and such reports have not been filed, the county superintendent of schools may direct the district in writing to withhold the salary payment due the certificated employee involved. Said payment should not be released to the certificated employee until directed in writing by the county superintendent of schools.

SEC. 6. Chapter 2 (commencing with Section 20601) of Division 16 of the Education Code is repealed.

SEC. 7. Chapter 2 (commencing with Section 20601) is added to Division 16 of the Education Code, to read:

CHAPTER 2. BUDGET REQUIREMENTS AND BUDGET CALENDAR FOR SCHOOL DISTRICTS

Article 1. Budget Requirements

20601. As used in this article, "budget" includes the preliminary budget, the tentative budget and the final budget of a school district.

20602. Each budget shall show a complete plan and itemized statement of all proposed expenditures of the school district and of all estimated revenues for the ensuing fiscal year, together with a comparison as to each item of revenue and expenditures, with the actual revenues and expenditures for the last completed fiscal year and the actual and estimated expenditures for the existing fiscal year The county superintendent of schools shall from his own records supply to the school district any information that the school district may need to make the comparisons required by this section.

20603. Each budget shall be itemized to set forth the necessary revenues and expenditures, by functions and object, in each fund to operate the public schools of the district as au-

thorized by law and on forms prescribed by the Superintendent of Public Instruction.

20604. The budget may also contain an amount to be known as the general reserve in such sum as the governing board may deem sufficient, for the next succeeding fiscal year, to meet the cash requirements to which the district's credit may be legally extended for that portion of said next succeeding fiscal year until adequate proceeds of the taxes levied for, or apportionment of state funds made to, the district during such succeeding fiscal year are available to the district.

20605. The budget may also contain an amount to be known as the undistributed reserve. The funds in the undistributed reserve shall be available for appropriation by a two-thirds vote of the members of the governing board, to cover expenditures that have not been provided for or that may have been insufficiently provided for, or for unforeseen requirements as they may arise.

20606. Each budget shall be made in quintuplicate in the form and upon the blanks prescribed by the Superintendent of Public Instruction. It shall be the duty of the Superintendent of Public Instruction to prepare standard forms and blanks necessary to show the budgeting items and comparisons required by this article. Blanks shall be furnished to the school districts by the county superintendent of schools.

Article 2. Advisory Commission on School District Budgeting and Accounting

20621. There is in the state government the Advisory Commission on School District Budgeting and Accounting. It shall be comprised of 11 members. Nine of the members shall be appointed by the State Board of Education. One of the members shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Senate Committee on Rules. Each member shall serve at the pleasure of the appointing power.

The State Board of Education shall appoint members so that all of the following groups are represented:

(a) Organized taxpayer groups or associations.
(b) Business community.
(c) Education profession.
(d) County government.
(e) Governing boards of school districts.
(f) Accounting profession.

20622. The members of the commission shall serve without compensation but shall be reimbursed for necessary traveling and other expenses incurred in performing their duties and responsibilities.

20623. The commission shall serve as an advisory body to the State Board of Education on program budgeting and accounting systems for school districts. The commission may

select and employ independent and qualified consultants to formulate the details of a program budgeting and accounting system for local school districts. The commission shall evaluate the report of the consultants and recommend to the State Board of Education procedures for implementing program budgeting and accounting for school districts. In evaluating such report, the commission may hold hearings in various parts of the state so as to give interested persons the opportunity to testify or present their view on the report, and shall submit its initial report to the State Board of Education not later than June 30, 1968.

20624. The provisions of this article, including the commission created under it, shall remain in effect until June 30, 1970.

SEC. 8. Section 20704 of the Education Code is amended to read:

20704. The board of supervisors shall determine the rate of district tax necessary to be levied as follows:

(a) They shall divide the amount of taxes as required to be raised by the unequalized value of the secured roll of the last assessment roll of the district after due allowance for delinquencies. The rate shall be such as will produce the amount determined as necessary to be raised by taxation on the secured roll.

(b) The allowance for delinquencies shall be fixed by determining for each of the last three preceding years the percentage as the total amount of taxes uncollected bears to the total amount of taxes levied for each such year.

SEC. 9. Section 21116 is added to the Education Code, to read:

21116. With the approval of the Superintendent of Public Instruction, the governing board of a junior college district, a unified school district, or district with over 10,000 average daily attendance may cause to be drawn all warrants on the county treasurer against all funds, except debt service, of the district in the county treasury in the payment of the expenses of the district. The warrants shall be issued by a person designated as the district auditor or district disbursing officer for the school district on the county treasurer in favor of the persons entitled thereto in payment of all claims chargeable against the district which have been legally examined, allowed, and ordered paid by the governing board. The district auditor shall issue warrants on the county treasurer for all debts and demands against the district when the amounts are fixed by law. The form of the warrant shall be as prescribed by the governing board and approved by the county auditor or county treasurer having jurisdiction.

Notwithstanding Section 21102 of the Education Code, the cost of printing the warrants shall be borne by the district.

No county officer shall be responsible for producing reports, statements, and other data relating to or based on these

payments of the expenses of the districts. Those districts issuing warrants as provided by this section shall provide the county superintendent of schools, in the form prescribed by him, with the data necessary to make retirement reports and other reports required of him by law. All warrants, vouchers, and supporting documents shall be kept by the school districts that draw their own warrants.

Notwithstanding Section 27005 of the Government Code, or any other section requiring orders for warrants or warrants to be signed by the county superintendent of schools or the county auditor, or both, the county treasurer shall pay the warrant, if money is available.

Notwithstanding Section 17151 of the Education Code, except for assessing and tax collecting, the county auditor and the county treasurer may charge those districts that draw their own warrants for the cost of all fiscal services.

The person authorized by the governing board of the district to issue warrants pursuant to this section shall execute an official bond in an amount fixed by the governing board conditioned upon the faithful performance of his duties under this section. A county superintendent of schools or a county auditor shall not be liable under the terms of their bonds or otherwise for any warrant issued pursuant to this section. It is not intended that this provision shall be applied so as to impair the obligation of any contract in the bond of such officer in effect on the effective date of this section.

A listing of the warrants issued under this section by each school district shall be forwarded to the county auditor having jurisdiction, upon his request, and to the county superintendent of schools having jurisdiction over the district on the same day warrants are issued. The listing, which may be magnetic tape, punched cards, or in other form, shall report, among other things, the warrant number, date of the warrant, amount of the warrant, the name of the payee, and the fund on which drawn.

The form and content of the warrant listing shall be as prescribed by the governing board and approved by the county auditor having jurisdiction.

Each junior college district, unified school district or district with over 10,000 average daily attendance which issues warrants pursuant to this section shall furnish monthly to the county superintendent of schools and the county auditor of the county of jurisdiction, upon his request, a statement showing for the current fiscal year to date, for each required expenditure classification, the amount budgeted, actual expenditures, encumbrances and unencumbered balances.

In order to obtain the approval of the Superintendent of Public Instruction, a junior college district, a unified school district, or district with over 10,000 average daily attendance shall file a written application with the county superintendent of schools of jurisdiction on forms which the Superintendent of Public Instruction shall prescribe. Upon receipt of an appli-

cation from the district, the county superintendent of schools shall cause a survey to be made of the district's accounting controls by an independent certified public accountant or public accountant. The certified public accountant or public accountant shall report his findings and recommendations to the county superintendent, county auditor, and to the applicant district. The county superintendent shall forward the district's application, together with his recommendations and the recommendations of the county auditor and the report of survey, to the Superintendent of Public Instruction who shall approve or disapprove the application. The Superintendent of Public Instruction shall approve the application only if he finds the accounting controls of the district are adequate. If the Superintendent of Public Instruction determines that such controls are inadequate, he shall disapprove the application. The county superintendent of schools shall be reimbursed from the district funds for all costs incident to the accounting controls survey made pursuant to the district's application.

When approved by the Superintendent of Public Instruction, the issuance of warrants pursuant to this section shall be effective at the beginning of a fiscal year, provided that the approval had been made prior to the preceding first day in January. If disapproved, the Superintendent of Public Instruction and the county superintendent of schools shall state the specific steps which must be taken by the school district in order to receive approval. If at any time the county superintendent of schools determines that the accounting controls of the district have become inadequate, he may recommend to the Superintendent of Public Instruction that the approval be revoked effective at the first of the fiscal year next following.

SEC. 10. Section 21117 is added to the Education Code, to read:

21117. The provisions of Article 3 (commencing with Section 29850) of Chapter 5 of Division 3 of Title 3 of the Government Code shall be applicable to any junior college district, unified school district, or district with over 10,000 average daily attendance authorized to issue warrants pursuant to Section 21116; except that whenever any reference is made in said Article 3 to (1) the county auditor, or (2) the general fund of the county, such reference shall be deemed, for purposes of this section, to be to (1) the person authorized to issue warrants pursuant to Section 21116, and (2) the general fund of the school district, respectively.

SEC. 11. Section 650 of the Revenue and Taxation Code is repealed.

SEC. 12. Nothing in this act shall be construed to prevent or prohibit a school district from entering into contracts with any officer or agency of a county for the county officer or agency to prepare and process warrants which a school dis-

trict is authorized by law to issue, or to render other fiscal services.

SEC. 12.5. There is hereby appropriated from the General Fund in the State Treasury to the State Department of Education the sum of forty thousand dollars ($40,000) to carry out the purposes of Sections 371 and 372 of, and Article 2 (commencing with Section 20621) of Chapter 2 of Division 16 of, the Education Code.

SEC. 13. The following sections of this act shall become operative on November 1, 1968: 6, 8, and 11. Article 1 (commencing with Section 20601) of Chapter 2 added to Division 16 of the Education Code by Section 7 of this act shall become operative on November 1, 1968. All other sections of this act shall become effective on the 61st day following the final adjournment of the 1967 Regular Session of the Legislature.

SEC. 14. This act shall be known as "The School Budget Act of 1967."

CHAPTER 1574

An act to amend Section 9306 of the Education Code, relating to adoption of textbooks.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 9306 of the Education Code is amended to read:

9306. (a) Except as provided in subdivision (b), before final adoption of a textbook, or a textbook the content of which is substantively revised or modified whether previously made available for public inspection or not, it shall be made available for public inspection for 60 days in at least 50 public libraries throughout the state. The State Board of Education shall determine the location of such textbook displays.

(b) Before final adoption of a United States history textbook, or a United States history textbook the content of which is substantively revised or modified whether previously made available for public inspection or not, it shall be made available for public inspection for 60 days in at least 200 public libraries throughout the state. The State Board of Education shall determine the location of such textbook displays.

CHAPTER 1575

An act to amend Section 7480 of, to repeal Articles 3 (commencing with Section 7485) and 4 (commencing with Section 7490) of Chapter 15 of Division 6 of, and to repeal Section 7475 of, the Education Code, relating to year-around high school operation.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 7475 of the Education Code is repealed.

SEC. 2. Section 7480 of the Education Code is amended to read:

7480. The Superintendent of Public Instruction may authorize a two-year experiment in the year-around operation of grades 10 through 12, inclusive, of one public high school. The experiment shall commence on September 1, 1968, and terminate on August 31, 1970.

SEC. 3. Article 3 (commencing with Section 7485) of Chapter 15 of Division 6 of the Education Code is repealed.

SEC. 4. Article 4 (commencing with Section 7490) of Chapter 15 of Division 6 of the Education Code is repealed.

SEC. 5. The Department of Education shall prepare and present to the Legislature on or before the fifth legislative day of the 1968 Regular Session, a comprehensive plan for the establishment of an experimental year-around high school operation for the 1968–1969 fiscal year. The Department of Education shall formulate the plan in cooperation with the Department of Finance, Legislative Analyst, and the Joint Legislative Budget Committee.

CHAPTER 1576

An act to add Section 19683.5 to the Education Code, relating to education of handicapped children.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 19683.5 is added to the Education Code, to read:

19683.5. Notwithstanding any provisions of this article to the contrary, apportionments for the construction of facilities and the purchase of essential furniture and equipment for the education of exceptional children may, subject to the approval of the Department of Education, be made to any school dis-

tricts not otherwise eligible to receive apportionments under Articles 1 and 2 of this chapter, for the education of blind, partially seeing, aphasic, deaf, hard-of-hearing, mentally retarded, orthopedically handicapped, cerebral palsied and educationally handicapped minors.

The Department of Education may approve applications in those situations where the facilities will be used by a county superintendent of schools required to educate physically handicapped minors pursuant to Section 8901 and mentally retarded minors pursuant to Section 8951. A school district may educate such minors by agreement with a county superintendent of schools required to educate such minors. Priority in the use of such facilities shall be given to pupils from districts other than the applicant district.

Except as otherwise provided in this section, not more than 50 percent of the amount of any apportionment made pursuant to this section shall be repaid. Repayments shall be made in the following manner: 50 percent of the amount of the apportionment shall be repaid in full with interest by the district, in such annual amounts and at such interest rate over such period as the State Allocation Board may determine, not to exceed 20 years from the date the apportionment became final. In any school year in which 50 percent or more of the pupils in average daily attendance, as determined by the county superintendent of schools, and served by such facilities are not pupils from districts other than the applicant district, the repayment for the succeeding fiscal year shall be an amount which would have been payable if such district had been required to repay 100 percent of the apportionment over such period.

The county board of supervisors of the county whose superintendent of schools conducts classes in such facility during any fiscal year shall at such time or times within such fiscal year as may be agreed upon between the county and the school district, but in any case not later than the end of such fiscal year, pay to the school district having the obligation to repay the apportionment made under this section for the construction of such facility, an amount equal to 80 percent of the amount the district is required to repay in said fiscal year with respect to the apportionment described above.

The county board of supervisors shall raise the amount required through a general tax levy on the property within the participating districts, or through a tuition charge not to exceed one hundred sixty dollars ($160) a year per pupil by the county superintendent of schools to the school districts of residence of pupils attending the facility other than the district having the obligation to repay, or through a combination of these.

The county superintendent of schools shall notify the county board of supervisors of his intention to approve a school district's application for an allocation under this article before he approves the application.

CHAPTER 1577

An act to add Sections 12681.1, 12681.2, and 12681.3 to the Water Code, relating to flood control improvements.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 12681.1 is added to the Water Code, to read:

12681.1. The plan of improvement for flood control on Lytle and Warm Creeks, San Bernardino County, is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 53, Eighty-Ninth Congress, as authorized by act of Congress approved October 27, 1965, Public Law 89-298, 79 Stat. 1073, Title II, the "Flood Control Act of 1965," at a cost to the state of such sum as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department. This authorization shall not be deemed to confer preference on this project over the needs of other statewide programs in appropriation of available funds.

SEC. 2. Section 12681.2 is added to the Water Code, to read:

12681.2. The San Bernardino County Flood Control District shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by the act of Congress approved October 27, 1965, Public Law 89-298, 79 Stat. 1073, Title II, the "Flood Control Act of 1965," will be furnished by the district in connection with the plan of improvement for flood control adopted and authorized in Section 12681.1.

SEC. 3. Section 12681.3 is added to the Water Code, to read:

12681.3. The San Bernardino County Flood Control District, in conjunction with the Department of the Army, shall execute the plan of improvement for flood control referred to in Section 12681.1 and exercise all powers granted to it in the San Bernardino County Flood Control Act (Chapter 73, Statutes of 1939), and the district may make such modifications or amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part.

CHAPTER 1578

An act to amend Sections 26503, 26504, 26505, and 26508 of the Vehicle Code, relating to motor vehicle equipment.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 26503 of the Vehicle Code is amended to read:

26503. Every motor vehicle equipped with airbrakes or equipped to operate airbrakes on towed vehicles shall be equipped with a standard type safety valve which shall be installed so as to have an uninterrupted connection with the air reservoir or tank. It shall be adjusted and maintained so that it will open and discharge the air system under any condition at a pressure of not to exceed 150 pounds per square inch and close and reseat itself at a point above the maximum air governor setting. The department may by regulation prescribe a higher maximum opening pressure for air pressure systems designed for, and capable of safely operating with, pressure safety valves with a higher opening pressure.

SEC. 2. Section 26504 of the Vehicle Code is amended to read:

26504. The air governor cut-in and cut-out pressures of every motor vehicle equipped with airbrakes or equipped to operate airbrakes on towed vehicles shall be adjusted so that the maximum pressure in the air system and the minimum cut-in pressure shall be within limits prescribed by the department. In adopting regulations specifying such pressures the department shall consider the safe operating capacities of the various airbrake systems which are now or may be used on motor vehicles and shall be guided by the designed capabilities of those systems.

SEC. 3. Section 26505 of the Vehicle Code is amended to read:

26505. Every motor vehicle equipped with airbrakes or equipped to operate airbrakes on towed vehicles shall be equipped with a pressure gauge of reliable and satisfactory construction and maintained in an efficient working condition, accurate within 10 percent of the actual air reservoir pressure, and visible and legible to the driver at all times.

SEC. 4. Section 26508 of the Vehicle Code is amended to read:

26508. Every vehicle or combination of vehicles using compressed air at the wheels for applying the service brakes shall be equipped with an emergency stopping system meeting the requirements of this section and capable of stopping the vehicle or combination of vehicles in the event of failure in the service brake air system as follows:

(a) Every motor vehicle operated either singly or in a combination of vehicles and every towed vehicle shall be equipped with an emergency stopping system.

(b) Motor vehicles used to tow vehicles which use compressed air at the wheels for applying the service brakes shall be equipped with a device or devices with both a manual and automatic means of actuating the emergency stopping system on the towed vehicle as follows:

(1) The automatic device shall operate automatically in the event of reduction of the service brake air supply of the towing vehicle to a fixed pressure which shall be not lower than 20 pounds per square inch nor higher than 45 pounds per square inch.

(2) The manual device shall be readily operable by a person seated in the driver's seat, with its emergency position or method of operation clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means.

(c) Motor vehicles manufactured prior to 1964 shall be deemed to be in compliance with subdivisions (e) and (f) when equipped with axle-by-axle protected airbrakes using a separate air tank system for each of at least two axles, provided that each system independently meets all other requirements of this section. Each system shall be capable of being manually applied, released, and reapplied from the driver's seat but shall not be capable of being released from the driver's seat after any reapplication unless there is available a means which can be applied from the driver's seat to stop and hold the vehicle or combination of vehicles.

(d) Towed vehicles shall be deemed to be in compliance with this section when:

(1) The towed vehicle is equipped with a no-bleed-back relay-emergency valve or equivalent device, so designed that the supply reservoir used to provide air for the brakes is safeguarded against backflow of air from the reservoir through the supply line,

(2) The brakes are applied automatically and promptly upon breakaway from the towing vehicle and maintain application for at least 15 minutes, and

(3) The combination of vehicles is capable of stopping within the distance and under the conditions specified in subdivisions (k) and (*l*).

(e) If the service brake system and the emergency stopping system are connected in any way, they shall be so constructed that a failure or malfunction in any one part of either system, including brake chamber diaphragm failure but not including failure in the drums, brakeshoes, or other mechanical parts of the wheel brake assemblies, shall not leave the vehicle without one operative stopping system capable of complying with the performance requirements in subdivision (k).

(f) Every emergency stopping system shall be designed so that it is capable of being manually applied, released, and reapplied by a person seated in the driver's seat. The system shall be designed so that it cannot be released from the driver's seat after any reapplication unless immediate further application can be made from the driver's seat to stop and hold the vehicle or combination of vehicles. The emergency stopping system may also be applied automatically.

(g) No vehicle or combination of vehicles upon failure of the service brake air system shall be driven on a highway under its own power except to the extent necessary to move the vehicles off the roadway to the nearest place of safety.

(h) No vehicle or combination of vehicles shall be equipped with an emergency stopping system that creates a hazard on the highway, or increases the service brake stopping distance of a vehicle or combination of vehicles, or interferes in any way with the application of the service brakes on any vehicle or combination of vehicles.

(i) Any energy-storing device which is a part of the emergency stopping system shall be designed so that it is recharged or reset from the source of compressed air or other energy produced by the vehicle, except that energy to release the emergency stopping system may be produced by the driver's muscular effort from the driver's seat. No device shall be used which can be set to prevent automatic delivery of air to protected air supply reservoirs of motor vehicle emergency stopping systems when air is available in the service brake air supply system.

(j) Any vehicle manufactured on or after January 1, 1964, which uses axle-by-axle protected airbrakes as the emergency stopping system shall use a separate air tank system for each axle, except that motor vehicles equipped with a dual or tandem treadle valve system need have no more than two protected air tanks in such system, one for each valve.

(k) Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, upon application of the emergency stopping system, shall be capable of:

(1) Developing a stopping force that is not less than the percentage of its gross weight tabulated herein for its classification.

(2) Decelerating in a stop from 20 miles per hour at not less than the feet per second per second tabulated herein for its classification, and

(3) Stopping from a speed of 20 miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the emergency stopping system control begins.

EMERGENCY STOPPING SYSTEM REQUIREMENTS

	Classification of vehicle and combination of vehicles	Stopping force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	Stopping distance in feet
A	Single-motor vehicles	16.7	5.5	90
B	Combination of vehicles	19.0	6.0	90
C	Single-motor vehicle with 3 or more axles manufactured prior to 1964	12.1	4.0	120

(*l*) Tests for deceleration and stopping distance shall be made on a substantially level, dry, smooth, hard surface that is free from loose material and where the grade does not exceed plus or minus 1 percent. No test of emergency stopping system performance shall be made upon a highway at a speed in excess of 25 miles per hour.

(m) The provisions of this section shall not apply to:

(1) Auxiliary dollies, special mobile equipment, or special construction equipment.

(2) Motor vehicles which are operated in a driveaway-towaway operation and not registered in this state.

(3) Disabled vehicles when being towed.

(4) Vehicles which are operated under a one-trip permit as provided in Section 4003.

(5) Vehicles which because of unladen width, length, height or weight may not be moved upon the highway without the permit specified in Section 35780.

(n) The emergency stopping system requirements specified in subdivision (k) shall not apply to a vehicle or combination of vehicles being operated under a special weight permit nor to any overweight authorized emergency vehicle operated under the provisions of Section 35002.

(o) Every owner or lessee shall instruct and require that the driver be thoroughly familiar with the requirements of this section. The driver of a vehicle or combination of vehicles required to comply with the requirements of this section shall be able to demonstrate the application and release of the emergency system on the vehicle and each vehicle in the combination.

CHAPTER 1579

An act to amend Section 4052 of the Agricultural Code, as proposed by Senate Bill No. 1, and Section 4 of Chapter 221 of the Statutes of 1967, to add Sections 4155 and 4156 to, and to add Chapter 9 (commencing with Section 4351) to Part 3 of Division 3 of, the Agricultural Code, as proposed by Senate Bill No. 1, and to repeal Section 3 of Chapter 221 of the Statutes of 1967, relating to district agricultural associations.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 4052 of the Agricultural Code, as proposed by Senate Bill No. 1, is amended to read:

4052. An association shall not lease its racetrack for running races of horses to any private person, firm, or corporation, except to a national or international exposition or its affiliated corporations or associations for the period of time which is now permitted by law for fairs.

SEC. 2. Section 4155 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

4155. The 22nd District Agricultural Association may expend up to two hundred fifty thousand dollars ($250,000) annually for the operation of a fair pursuant to Section 4001 for the purposes enumerated therein from the money received by the district from a lease of district property for horseracing purposes. Any such money received by the district over two hundred fifty thousand dollars ($250,000) may be expended in furtherance of the master plan developed pursuant to Section 4156. Any such money not expended in such manner, or accumulated to be expended in furtherance of the master plan, including the amortization of revenue bonds, shall be transferred by the district to the General Fund upon executive order of the Director of Agriculture.

SEC. 3. Section 4156 is added to the Agricultural Code, as proposed by Senate Bill No. 1, to read:

4156. The State Race Track Leasing Commission shall prepare a master plan for the long-range comprehensive development and improvement of, and construction upon, the property of the 22nd District Agricultural Association. Such plan shall prescribe the amounts which may be expended for the various features of the plan, the period authorized for the completion of each such feature, and the terms of any revenue bond financing undertaken with respect to such plan. Such plan is subject to amendment by the commission.

SEC. 4. Chapter 9 (commencing with Section 4351) is added to Part 3 of Division 3 of the Agricultural Code, as proposed by Senate Bill No. 1, to read:

CHAPTER 9. STATE RACE TRACK LEASING COMMISSION

4351. There is hereby created the State Race Track Leasing Commission which shall be composed of the Director of Agriculture, the Director of Finance, the Director of General Services and three individuals, appointed by the Governor, who are members of the Board of Directors of the 22nd District Agricultural Association, one of whom shall be the president of the board. The Director of Finance shall serve as chairman of the commission. All meetings of the commission shall be open and public.

4352. The Department of Finance shall provide clerical services to the commission. The Departments of Agriculture and General Services and the California Horse Racing Board shall cooperate with the commission, and, insofar as possible, shall, on request, allow the commission to utilize their staffs as needed by the commission; provided, that the sole counsel for the commission shall be the Attorney General, as provided in Section 4357.

4353. The State Race Track Leasing Commission has the authority to lease the Del Mar Race Track and any other property owned or controlled by the 22nd District Agricultural Association which the commission shall deem necessary to provide horseracing at Del Mar Race Track. Any such lease shall be on behalf of the 22nd District Agricultural Association, and the district shall continue in control of its property, subject to the conditions and terms of such lease.

4356. The California Horse Racing Board shall, on request of the commission, certify the eligibility of any prospective lessee to be licensed to conduct horseracing at the Del Mar Race Track.

4357. The Attorney General shall serve as counsel for, and adviser to, the commission.

4358. The commission shall follow the same procedures, insofar as appropriate, in leasing the Del Mar Race Track as the Department of General Services follows in leasing other state real property. The leasing of the Del Mar Race Track shall not be contingent upon the adoption of a master plan. The commission shall, prior to awarding a lease of the Del Mar Race Track, consider all factors concerning appropriate capital improvement of such racetrack, the financing thereof, additional racing opportunities, and any use of new or additional properties or facilities, including, but not limited to, a grandstand, which factors must be considered in the award of the lease. The commission shall also consult with any affected local governing bodies, prior to awarding the lease.

4359. When the commission makes a determination pursuant to this chapter as to the action it proposes to take in awarding the Del Mar Race Track lease, it shall report to the Legislature, setting forth the procedures followed by the commission in reaching its determination and the reasons the proposed award is in the best interests of the state. It shall

also make recommendations regarding any additional legislation which it deems necessary. However, no legislative action is required to make effective and operative any lease awarded by the commission. The commission shall also make a similar report to the Legislature upon the master plan when such plan is completed.

4360. After the award of a lease of the Del Mar Race Track, the commission shall meet from time to time to review the operation of the lease, and the master plan, and any other related matters. It shall also make such recommendations as it deems proper to the Legislature, other state agencies, including, but not limited to, the 22nd District Agricultural Association, and to the lessee.

4361. The commission is a "department" for the purposes of hearings pursuant to Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of the Government Code.

SEC. 5. Section 3 of Chapter 221 of the Statutes of 1967 is repealed.

SEC. 6. Section 4 of Chapter 221 of the Statutes of 1967 is amended to read:

Sec. 4. Any funds deposited with the 22nd District Agricultural Association by a bidder who submitted a sealed bid to 22nd District for the lease of Del Mar Race Track shall be returned to such bidders; provided, that the return of such funds to the bidders shall not affect any bidder's right to be accepted as the successful bidder for the lease.

The sealed bids previously submitted to the 22nd District Agricultural Association in 1966 are hereby declared as valid bids, unless revoked by the bidder, for the lease of the Del Mar Race Track and such bids and all records, papers or other documents of the 22nd District Agricultural Association relating to the leasing and management of the Del Mar Race Track are hereby transferred to the State Race Track Leasing Commission.

CHAPTER 1580

An act to amend Sections 6802, 8901, and 11204 of, and to add Section 8901.1 to, the Education Code, relating to physically handicapped minors.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 6802 of the Education Code is amended to read:

6802. Any minor who, by reason of a physical impairment, cannot receive the full benefit of ordinary education facilities, shall be considered a physically handicapped individual for the

purposes of this chapter (commencing at Section 6801). Minors with speech disorders or defects shall be considered as being physically handicapped. Minors with physical illnesses or physical conditions which make attendance in regular day classes impossible or inadvisable shall be considered as being physically handicapped.

SEC. 1.5. Section 8901 of the Education is amended to read:

8901. The county superintendent of schools shall establish and maintain programs for physically handicapped minors who come within the provisions of Section 6801 or 6802, including cerebral palsied, orthopedically handicapped, visually handicapped, or aurally handicapped, and who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the districts or in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the districts, whenever such districts have not provided nor entered into contract with other districts to provide such programs.

Such program shall, with the approval of the county board of education, be provided in one or more of the following ways:

(a) In special schools or classes of elementary and secondary grade and in remedial classes of elementary and secondary grade.

(b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county.

(c) By the maintenance of special classes of secondary grade.

(d) By the employment of home instructors to give individual instruction in the home or at the bedside in institutions, and by the employment of instructors to provide remedial instruction for physically handicapped minors in regular, special day, and special training schools or classes which he may be authorized to conduct, and by the employment of instructors to provide individual instruction for minors with speech disorders or defects who are at least three years of age for the purpose of remedying such speech disorders or defects.

(e) By cooperation with the Department of Rehabilitation in the provision of individual instruction and coordination services.

(f) By contract with the county superintendent of schools of another county or with the governing board of any school district.

(g) In integrated programs of instruction of elementary or secondary grade.

(h) By the employment of instructors to provide individual instruction, subject to the provision of Section 6812, in schools or in the homes of minors who are deaf or hard-of-hearing, as determined by the State Board of Education, and between the ages of three and six years of age.

Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impractical because of the transportation distances existing to bring a sufficient number of physically handicapped minors within the meaning of Section 6801 or 6802 together in one place to form a school or special class, the county superintendent of schools, upon the annual approval of the Superintendent of Public Instruction, may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in the elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in the high schools of the district, with the approval of the county superintendent of schools, may establish and maintain programs for the physically handicapped who come within the provisions of Section 6801 or 6802.

The county superintendent of schools required to provide for the education of physically handicapped minors residing in the county who come within the provisions of Section 6801 or 6802 may, with the approval of the Superintendent of Public Instruction, enter into agreements with an elementary, unified, or high school district for the latter to provide for the education of such physically handicapped minors.

SEC. 2. Section 8901.1 is added to the Education Code, to read:

8901.1. For purposes of Section 8901, the average daily attendance of the elementary schools of the district shall be computed by excluding the average daily attendance of pupils attending the seventh and eighth grades of a junior high school maintained by a high school district.

SEC. 3. Section 11204 of the Education Code is amended to read:

11204. The attendance of physically handicapped pupils instructed by the county superintendent of schools pursuant to Section 8903 shall be credited as follows:

(a) The attendance of elementary school pupils taught in emergency elementary schools and in special classes shall be credited to the emergency schools.

(b) The attendance of elementary school pupils given individual instruction in the home or at the bedside in institutions and of minors with speech disorders or defects who are at least three years of age and of minors who are deaf or hard-of-hearing and between the ages of three and six years and given individual instruction, subject to the provisions of Section 6812, in school or in the home or by cooperative arrangements with the Division of Vocational Rehabilitation of the State Department of Rehabilitation or in remedial classes or in integrated programs of instruction shall be credited to an emergency elementary school maintained for physically handi-

capped pupils, if such a school is maintained in the county, or if no such school is maintained in the county the attendance shall be credited to an emergency elementary school maintained in the county, but not to more than one emergency elementary school. If no emergency school is maintained in the county, the total number of days of attendance of pupils shall be divided by 175 to compute average daily attendance, and the average daily attendance so computed shall be credited to the county school service fund as attendance upon a single emergency elementary school for individual instruction of physically handicapped children.

(c) The attendance of pupils of secondary grade given individual instruction in the home or in institutions or by cooperative arrangement with the Division of Vocational Rehabilitation of the State Department of Rehabilitation, or instructed in special classes of secondary grade or in remedial classes or in integrated programs of instruction of secondary grade pursuant to Section 8901, shall be credited to the county school service fund.

(d) The attendance of pupils taught by emergency teachers in the regular schools of the districts of any county shall be credited to the districts, except that the attendance of pupils taught by emergency teachers pursuant to Section 8902 in the regular elementary schools of the district of any county and the attendance of elementary pupils in remedial classes pursuant to Section 8901 shall be credited to the county school service fund in accordance with subdivision (b) of this section.

(e) The attendance of pupils residing in one county and educated under contract with the county superintendent of schools or governing board of a school district of another county, shall be credited to the county school service fund of the county, or district, in which the pupils are educated.

(f) If the county superintendent of schools maintains an integrated program of instruction as defined in Section 18060.2 and contracts with a school district to provide instruction for part of the day in the regular classes of the district, the total attendance of pupils in such program shall be credited to the county school service fund at both the elementary and secondary levels.

CHAPTER 1581

An act to repeal Section 35541.6 of, and to add Section 35541.6 to, the Health and Safety Code, relating to temporary housing projects.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 35541.6 of the Health and Safety Code is repealed.

SEC. 2. Section 35541.6 is added to the Health and Safety Code, to read:

35541.6. No city and county need demolish any temporary housing project, until the 61st day after final adjournment of the 1975 Regular Session of the Legislature, where the dwelling structures have been rehabilitated to such an extent as the board of supervisors determines is necessary to make such dwelling structures reasonably safe and sanitary places in which to live.

The Legislature finds and declares that the provisions of this section are intended to aid in relieving a present critical shortage of low rental housing for members of minority races, where there are many units of temporary housing, and where there would be extreme hardship resulting from the relocation of people if the operation of these temporary housing projects were discontinued in a city and county in instances where such housing is still necessary.

This section shall not be construed to relieve any governmental agency of any existing duty under present housing programs.

CHAPTER 1582

An act to amend Section 20609 of the Government Code, relating to the State Retirement System.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 20609 of the Government Code is amended to read:

20609. The normal rate of contribution and percentage of final compensation for each year of service to be provided by contributions of the employer and the member for a member who is credited with service in any membership category in which his current service pension will be calculated under either Section 21252.1, 21252.10, 21252.2, 21252.3, 21252.4, 21252.6, or 21252.8, and who reenters state service in the same or another such category shall be based on the age upon which his normal rate of contribution for the preceding period of such credited service was based, increased by the number of years of any intervening absence from such category.

If, upon any such reentry into state service, the member's current service pension for service thereafter will be calculated under Section 21252.5, the normal rate of contribution thereafter shall be such as will provide on the average a service retirement annuity at age 60 equal to five-eighths of 1 percent of his final compensation for each year of current service which would be applicable toward the benefit formula set forth in Section 21252.5. The amendment to this section at the 1965

General Session shall apply only to the rate of a member who reenters state service on or after October 1, 1965.

The amendment to this section at the 1967 General Session shall apply only to a member who reenters state service on or after October 1, 1967.

CHAPTER 1583

An act to amend Sections 12101, 12102, and 12405 of the Education Code, relating to the public school system.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 12101 of the Education Code is amended to read:

12101. Each parent, guardian, or other person having control or charge of any child between the ages of 6 and 16 years, not exempted under the provisions of this chapter (commencing at Section 12101), shall send the child to the public full-time day school for the full time for which the public schools of the city, city and county, or school district in which the child lives are in session.

SEC. 2. Section 12102 of the Education Code is amended to read:

12102. Any parent, guardian, or other person having control or charge of any minor between the ages of 6 and 16 years who removes the minor from any city, city and county, or school district before the completion of the current school term, shall enroll the minor in a public full-time day school of the city, city and county, or school district to which the minor is removed.

SEC. 3. Section 12405 of the Education Code is amended to read:

12405. The attendance supervisor, any peace officer, or any school officer, shall arrest, during school hours, without warrant, any child between 6 and 16 years of age, found away from his home and who has been reported to him by the teacher, the superintendent of schools, or other person connected with the school department or schools as a truant from instruction upon which he is lawfully required to attend, within the county, city, or city and county, or school district.

CHAPTER 1584

An act to add Sections 253.2, 253.3, 263.8, and 573 to, and to amend Section 527 of, the Streets and Highways Code, relating to state highways.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 253.2 is added to the Streets and Highways Code, to read:

253.2. Notwithstanding Section 253, the portion of Route 1 designated therein as portion (c) is from Route 101 near Las Cruces to Route 227 south of Oceano.

SEC. 2. Section 253.3 is added to the Streets and Highways Code, to read:

253.3. The California freeway and expressway system shall also include Route 227 from Route 1 south of Oceano to Route 101 near Arroyo Grande.

SEC. 3. Section 263.8 is added to the Streets and Highways Code, to read:

263.8. The state scenic highway system shall also include Route 1 from Route 227 south of Oceano to Route 101 near Pismo Beach.

SEC. 4. Section 527 of the Streets and Highways Code is amended to read:

527. Route 227 is from Route 1 south of Oceano to Route 101 near San Luis Obispo.

SEC. 5. Section 573 is added to the Streets and Highways Code, to read:

573. Route 273 is from Route 5 near Anderson to Route 5 northeast of Redding via Redding.

CHAPTER 1585

An act to amend Sections 11014 as added by Chapter 4 of the Statutes of 1965, Second Extraordinary Session, 12050, 12552, 13050, 13550, and 14053 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 11014 of the Welfare and Institutions Code as added by Chapter 4 of the Statutes of 1965, Second Extraordinary Session, is amended to read:

11014. To the extent that any provision of this part prohibits the granting of aid to persons confined in a public insti-

tution for tuberculosis or mental disease or as a result of the diagnosis of tuberculosis, mental retardation, or psychosis permitted by federal law, such provision shall be inoperative.

SEC. 2. Section 12050 of the Welfare and Institutions Code is amended to read:

12050. Aid shall be granted under this chapter to any person who comes within all of the following descriptions:

(a) Who has attained the age of 65 years; provided, that if, when and during such time as the federal government shall provide or make available to this state grants-in-aid to persons who have attained the age of 60 years, the age contained in this subdivision shall be reduced to 60 years and persons who have attained the age of 60 years and who come within all of the descriptions hereinafter contained shall be eligible for aid under this chapter;

(b) Who resides in the state and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of application; or, who resides in the state and is, or has been within one year prior to his application under this chapter, receiving aid to the blind or potentially self-supporting blind, to which he has become ineligible because of restoration of sight; provided, however, that if, when, and during such time as the federal government shall fix maximum residence requirements, aid shall be paid to any person, otherwise eligible, who meets those requirements;

(c) Who is not cared for under a contract for a period of time exceeding one month; provided, however, that during such times as the federal statutes or rules and regulations provide for federal sharing, all persons cared for under such a contract may be granted assistance for their personal and incidental expenses not to exceed ten dollars ($10) per month if the contract does not specifically provide for this need; provided further, that during such time as the additional federal funds made available for that purpose by federal legislation enacted in 1952 remain available, all persons cared for under a contract mentioned in the last preceding clause of this subdivision may be granted assistance for their personal and incidental expenses not to exceed fifteen dollars ($15) per month in lieu of the ten-dollar ($10) grant authorized by the last preceding clause, if the contract does not specifically provide for this need.

(d) Who is not receiving adequate support from a husband or wife, or child able and responsible under the laws of this state to furnish such support; free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be grounds for refusing aid;

(e) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

(f) Who is not a patient in a public institution for tuberculosis or mental disease, except to the extent permitted by federal law.

(g) Who is not a patient in a public medical institution as the result of a diagnosis as having tuberculosis or psychosis, except to the extent permitted by federal law.

(h) Who is not an inmate of a public institution of a custodial (nonmedical), penal or correctional character.

(i) Who is not an inmate in a federal medical institution.

SEC. 3. Section 12552 of the Welfare and Institutions Code is amended to read:

12552. No applicant shall receive aid under this chapter, who is a patient in a public institution for tuberculosis or mental disease, or who is a patient in a public medical institution as the result of a diagnosis of tuberculosis or psychosis, except to the extent permitted by federal law who is an inmate of a public institution of a custodial (nonmedical), penal, or correctional character or who is a patient in a federal medical institution.

Any such ineligible patient or inmate, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay while he is such an ineligible patient or inmate, and if he is otherwise qualified under this chapter, such application shall be approved. The applicant may remain a patient or inmate of such institution until he receives his first monthly payment whereupon he shall leave the institution.

SEC. 4. Section 13050 of the Welfare and Institutions Code is amended to read:

13050. No applicant shall receive aid under the provisions of this chapter while he is an inmate of any institution supported in whole or in part by the state or any of its political subdivisions, except as to mental institutions to the extent permitted by federal law but recipients of aid under the provisions of this chapter who are patients in a public hospital for a period not exceeding two calendar months, and blind persons employed in a shop maintained by the state when such shop does not provide board and room to the employee, shall not be considered inmates of public institutions. No applicant shall be denied the aid provided for in this chapter, however, because he is attending or intends to attend any public high school in this state, the University of California, or any other institution of higher learning in this state.

Any such inmate, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The aid

shall be granted to him from the first day of the month in which the determination is made that he is eligible, but in no event shall the aid commence prior to the date of application.

The applicant may remain an inmate until he receives his first monthly payment, whereupon he shall cease to be such inmate.

If on the first day of the month a recipient of aid is eligible for aid though an inmate of an institution or hospital, he is entitled to receive aid for the month.

If a recipient of aid becomes ineligible for aid due to confinement in an institution or hospital, the order of the board of supervisors suspending his aid may provide that the aid shall be restored when the recipient ceases to be an inmate, without further order from the board of supervisors.

SEC. 5. Section 13550 of the Welfare and Institutions Code is amended to read:

13550. Aid shall be granted under this chapter to any needy disabled person who comes within all of the following descriptions:

(a) Who has attained the age of 18 years.

(b) Who resides in the state and has so resided for at least one year immediately preceding the date of application and for at least three years within the nine years immediately preceding the date of application, has become disabled while a resident of this state, or is eligible under the terms of a reciprocal agreement entered into by the department with another state.

(c) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for aid.

(d) Who is not at the time of receiving such aid, a patient in an institution for tuberculosis or mental disease, or a patient in a medical institution as the result of a diagnosis of tuberculosis or psychosis except to the extent permitted by federal law, an inmate of a public institution of a custodial (nonmedical), penal, or correctional character, or an inmate in a federal medical institution. Any such inmate or patient, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate or patient, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The aid shall be granted to him from the first day of the month in which the determination is made that he is eligible, but in no event shall the aid commence prior to the date of the application. The applicant may remain an inmate or patient until he receives his first monthly payment, whereupon he shall cease to be such inmate or patient.

(e) Who is not receiving adequate support from a husband or wife, or parent, or child.

SEC. 6. Section 14053 of the Welfare and Institutions Code is amended to read:

14053. "Health care and related remedial or preventive service" means:

1. Inpatient hospital services (other than services in a medical institution for tuberculosis or mental diseases except to the extent permitted by federal law) in and by a medical institution or facility operated by, or licensed by, the United States, one of the several states, a political subdivision of a state, the State Department of Public Health, or exempt from such licensure pursuant to subdivision (c) of Section 1415 of the Health and Safety Code.

2. Outpatient hospital services.

3. Laboratory and X-ray services.

4. Skilled nursing home services (other than services in a medical institution for tuberculosis or mental diseases except to the extent permitted by federal law), as defined for the purpose of securing federal approval of a plan under Title XIX of the Federal Social Security Act, to persons 21 years of age or older, or to persons under 21 years of age to the extent permitted by federal law.

5. Physicians' services, whether furnished in the office, the patient's home, a hospital, or a skilled nursing home, or elsewhere.

6. Medical care, or any other type of remedial care recognized under the laws of this state, furnished by licensed practitioners within the scope of their practice as defined by the laws of this state. Other remedial care shall include, without being limited to, treatment by prayer or healing by spiritual means in the practice of any church or religious denomination insofar as these can be encompassed by federal participation under an approved plan.

7. Home health care services.

8. Private duty nursing services.

9. Outpatient clinic services.

10. Dental services.

11. Physical therapy and related services.

12. Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select.

13. Other diagnostic, screening, preventive, or rehabilitative services.

14. Inpatient hospital services and skilled nursing home services for individual 65 years of age or over in an institution for tuberculosis or mental diseases except that basic health care shall not include any of the care and services specified in paragraphs 1 through 14 for any person who is an inmate of a public custodial or correctional institution or any person who has not attained 65 years of age and is a patient in a medical institution for tuberculosis or mental diseases except to the extent permitted by federal law.

15. Except that such term shall not include

a. Any care or services for any individual who is an inmate of a public institution (except as a patient in a medical institution); or

b. Any care or services for any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental diseases.

CHAPTER 1586

An act to amend Sections 11554 and 11558 of, and to add Section 11554.1 to, the Government Code, and to amend Sections 401, 402, 403, 407, 409, 410, 411, 1328, 1334, 1336, 1377, 2707.2, 2737, and 3655 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 401 of the Unemployment Insurance Code is amended to read:

401. There is in the Department of Employment the California Unemployment Insurance Appeals Board, consisting of five members appointed by the Governor, subject to the approval of the Senate. Two of the members of the appeals board shall be attorneys at law admitted to practice in the State of California. The other three members need not be attorneys. Each member of the board shall devote his full time to the performance of his duties. The chairman and each member of the board shall receive the annual salary provided for by Chapter 6 (commencing with 11550) of Part 1 of Division 3 of Title 2 of the Government Code. The Governor shall designate the chairman of the appeals board from the membership of the appeals board. The person so designated shall hold the office of chairman at the pleasure of the Governor. The chairman shall designate a member of the appeals board to act as chairman in his absence.

SEC. 2. Section 402 of the Unemployment Insurance Code is amended to read:

402. Each member of the appeals board shall serve for a term of four years and until his successor is appointed and qualifies. The term of office of each member of the board appointed pursuant to the 1967 amendment to this section shall also be for four years; provided, however, that of the two board members first appointed pursuant to such amendments, one shall be appointed for a term which shall expire July 1, 1970, and one for a term which shall expire July 1, 1971.

A vacancy shall be filled by the Governor, subject to the approval of the Senate, by appointment for the unexpired term.

SEC. 3. Section 403 of the Unemployment Insurance Code is amended to read:

403. All personnel of the Appeals Division shall be appointed, directed and controlled only by the appeals board or its authorized deputies or agents to whom it may delegate such powers.

The appeals board shall prepare a budget covering the necessary administrative costs of the Appeals Division. Such budget shall not be subject to change by the director except as agreed to by the appeals board. In the event that agreement cannot be reached, the final decision shall rest with the Governor. The director shall furnish the equipment, supplies, housing and nonpersonal and housekeeping services required by the Appeals Division and shall perform such other mechanics of administration as the appeals board and the director may agree upon.

SEC. 4. Section 407 of the Unemployment Insurance Code is amended to read:

407. In any case before it, the appeals board may delegate to any one of its members or to a special examiner or referee the taking or hearing of evidence. The appeals board and its duly authorized representatives in the performance of its duties under this division shall have the powers of a head of a department as set forth in Sections 11180 to 11191, inclusive, of the Government Code.

SEC. 5. Section 409 of the Unemployment Insurance Code is amended to read:

409. The chairman shall assign cases before the board to any three members thereof for consideration and decision. Assignments by the chairman of members to such cases shall be rotated on such a basis so as to equalize the workload of the members but with the composition of the members so assigned being varied and changed to assure that there shall never be a fixed and continuous composition of members. Except as otherwise provided, a decision by two of the members assigned the case shall be the decision of the appeals board. A case shall be considered and decided by the appeals board acting as a whole at the request of any member of the appeals board.

The appeals board shall meet as a whole at such times as the chairman may direct to consider and pass on such matters as the chairman may bring before it, and to consider and decide cases which present issues of first impression or which will enable the appeals board to achieve uniformity of decisions by the respective members, and to hear and decide matters pursuant to Section 309.

The appeals board, acting as a whole, may designate certain of its decisions as precedents. The appeals board, acting as a whole, may on its own motion reconsider a previously issued decision solely to determine whether or not such decision shall be designated as a precedent decision. Decisions of the appeals

board acting as a whole shall be by a majority vote of its members. The director and the appeals board referees shall be controlled by such precedents except as modified by judicial review.

The decisions of the appeals board shall contain a statement of the facts upon which the decision is based, and a statement of the decision itself and the reasons therefor. If the appeals board issues decisions other than those designated as precedent decisions, anything incorporated in such decisions shall be physically attached to and be made a part of such decisions. All decisions shall be available for public inspection, and decisions designated as precedents shall be published in such manner as to make them available for public use. The appeals board may make such reasonable charge for publications as it deems necessary to defray the cost of their publication and distribution.

SEC. 6. Section 410 of the Unemployment Insurance Code is amended to read:

410. A decision of the appeals board is final, except for such action as may be taken by judicial tribunal as permitted or required by law.

A decision of the appeals board is binding on the director with respect to the parties involved in the particular appeal.

The director shall have the right to seek judicial review from an appeals board decision irrespective of whether or not he appeared or participated in the appeal to the referee or to the appeals board. The right of the director to seek judicial review from an appeals board decision shall be exercised not later than one year after the date of the decision of the appeals board or the date on which the decision is designated as a precedent decision, whichever is later.

SEC. 7. Section 411 of the Unemployment Insurance Code is amended to read:

411. The appeals board, acting as a whole, may promulgate rules or amend or rescind rules pertaining to hearing appeals and other matters falling within its jurisdiction. All such rules, amendments thereto, or repeals thereof, shall be made in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

SEC. 8. Section 1328 of the Unemployment Insurance Code is amended to read:

1328. The facts submitted by an employer pursuant to Section 1327 shall be considered and a determination made as to the claimant's eligibility for benefits. The claimant and any employer who prior to the determination has submitted any facts or given any notice pursuant to Section 1327 and authorized regulations shall be promptly notified of the determination and the reasons therefor and may appeal therefrom to a referee within 10 days from mailing or personal service of notice of the determination. The 10-day period may be extended for good cause. The director shall be an interested party to all appeals.

SEC. 9. Section 1334 of the Unemployment Insurance Code is amended to read:

1334. A referee after affording a reasonable opportunity for fair hearing, shall, unless such appeal is withdrawn, affirm, reverse, or modify any determination which is appealed under this article. The claimant, any employer becoming a party to the appeal by submitting a protest or information pursuant to Sections 1326 to 1333, inclusive, of this article, and the director shall be promptly notified in writing of the referee's decision, together with his reasons therefor. The decision shall be final unless, within 10 days after mailing of such decision, further appeal is initiated to the appeals board pursuant to Section 1336. The 10-day limitation may be extended for good cause.

SEC. 10. Section 1336 of the Unemployment Insurance Code is amended to read:

1336. The director or any party to a decision by a referee may appeal to the appeals board from the decision. The appeals board may on its own motion affirm, modify, or set aside any decision of a referee on the basis of the evidence previously submitted in the case, or may direct the taking of additional evidence. The appeals board may remove to itself or transfer to another referee the proceedings on any claim pending before a referee. The appeals board shall promptly notify the director and the parties to any proceedings of its findings and decision.

SEC. 11. Section 1377 of the Unemployment Insurance Code is amended to read:

1377. Within 10 days from the date of mailing or serving of the notice of overpayment, the person affected may file an appeal to a referee. The director shall be an interested party to any such appeal. The referee, after affording reasonable opportunity for a fair hearing, shall unless the appeal is withdrawn, affirm, set aside, or modify the findings set forth in the notice of overpayment. The party and the director shall be notified of the referee's decision, together with his reasons therefor, which shall be final unless within 10 days from the date of notification or mailing of the decision a further appeal is initiated to the appeals board pursuant to Section 1336. The 10-day period for an appeal to the referee or to the appeals board may be extended for good cause.

SEC. 12. Section 2707.2 of the Unemployment Insurance Code is amended to read:

2707.2. The facts submitted by the employer pursuant to Section 2707.1 shall be considered and a determination made as to the eligibility of the claimant for benefits. The claimant shall be promptly notified of the determination and the reasons therefor and may appeal therefrom to a referee within 10 days from mailing or personal service of the notice of determination, whichever is later; provided, that said 10 days may be extended for good cause. The director shall be an interested party to any such appeal.

SEC. 13. Section 2737 of the Unemployment Insurance Code is amended to read:

2737. Within 10 days from the date of mailing or serving of the notice of overpayment determination, the person affected may file an appeal to a referee. The director shall be an interested party to any such appeal. The referee, after affording reasonable opportunity for a fair hearing, shall unless the appeal is withdrawn, affirm, set aside, or modify the findings set forth in the notice of overpayment determination. The party and the director shall be notified of the referee's decision, together with his reasons therefor, which shall be final unless within 10 days from the date of notification or mailing of the decision a further appeal is initiated to the appeals board pursuant to Section 1336. The 10-day period for an appeal to the referee or to the appeals board may be extended for good cause.

SEC. 14. Section 3655 of the Unemployment Insurance Code is amended to read:

3655. The facts submitted by an employer pursuant to Section 3654 shall be considered and a determination made as to the exhaustee's eligibility for extended duration benefits. The exhaustee and any employer who prior to the determination has submitted any facts pursuant to Section 3654 shall be promptly notified of the determination and the reasons therefor and may appeal therefrom to a referee within 10 days from mailing or personal service of notice of the determination. The 10-day period may be extended for good cause. The director shall be an interested party to any such appeal.

SEC. 15. Section 11554 of the Government Code is amended to read:

11554. An annual salary of twenty-four thousand five hundred dollars ($24,500) shall be paid to each of the following:

(a) Director of Employment.
(b) Director of Public Works.
(c) Director of Social Welfare.
(d) Director of Water Resources.
(e) Superintendent of Banks.
(f) Commissioner of Corporations.
(g) Insurance Commissioner.
(h) Savings and Loan Commissioner.
(i) Chairman of the California Unemployment Insurance Appeals Board.

SEC. 16. Section 11554.1 is added to the Government Code, to read:

11554.1. An annual salary of twenty-four thousand dollars ($24,000) shall be paid to each of the following:

(a) Each member of the California Unemployment Insurance Appeals Board.

SEC. 17. Section 11558 of the Government Code is amended to read:

11558. An annual salary of twenty thousand five hundred dollars ($20,500) shall be paid to each of the following:

(a) Each member of the Adult Authority.

(b) Each member of the Board of Equalization.

(c) Each member of the State Water Resources Control Board.

(d) Each member of the Youth Authority.

(e) Deputy Director of the Department of Justice.

(f) Deputy Director of Employment.

CHAPTER 1587

An act to amend Sections 20750.1, 20750.2, 20750.3, 20750.4, and 20750.42 and to repeal Sections 20750.11, 20750.12, 20750.13, 20750.23, 20750.33, 20750.41, and 20750.43 of the Government Code, relating to the state retirement system, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 20750.1 of the Government Code is amended to read:

20750.1. The state's contribution to the retirement fund in respect to state miscellaneous members is a sum equal to 7.11 percent of the compensation paid state miscellaneous members.

SEC. 2. Section 20750.11 of the Government Code is repealed.

SEC. 3. Section 20750.12 of the Government Code is repealed.

SEC. 4. Section 20750.13 of the Government Code is repealed.

SEC. 5. Section 20750.2 of the Government Code is amended to read:

20750.2. The state's contribution to the retirement fund in respect to state patrol members is a sum equal to 13.63 percent of the compensation paid state patrol members.

SEC. 6. Section 20750.23 of the Government Code is repealed.

SEC. 7. Section 20750.3 of the Government Code is amended to read:

20750.3. The state's contribution to the retirement fund in respect to forestry members is a sum equal to 9.10 percent of the compensation paid forestry members.

SEC. 8. Section 20750.33 of the Government Code is repealed.

SEC. 9. Section 20750.4 of the Government Code is amended to read:

20750.4. The state's contribution to the retirement fund in respect to warden members is a sum equal to 19 47 percent of the compensation paid warden members.

SEC. 10. Section 20750.41 of the Government Code is repealed.

SEC. 11. Section 20750.42 of the Government Code is amended to read:

20750.42. The state's contribution to the retirement fund in respect to law enforcement members is a sum equal to 23.80 percent of the compensation paid law enforcement members.

SEC. 12. Section 20750.43 of the Government Code is repealed.

SEC. 13. This act shall become operative July 1, 1967.

SEC. 14. This act is an urgency measure 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 such necessity are:

The actuarial valuation conducted by the board of administration for the period ending July 1, 1966 discloses an experience under the system requiring adjustment in the state's rate of contributions to the State Employees' Retirement Fund. In order that the adjusted rates may be placed in effect July 1, 1967, it is necessary that this act take effect immediately.

CHAPTER 1588

An act to amend Section 25502.4 of, and to add Section 25502.3 to, the Government Code, relating to county construction.

[Approved by Governor August 30, 1967 Filed with Secretary of State August 30, 1967]

The people of the State of California do enact as follows:

SECTION 1. Section 25502.3 is added to the Government Code, to read:

25502.3. In counties having a population of 199,000 or less the purchasing agent shall have the duty to engage independent contractors to perform services for the county and the offices thereof, with or without the furnishing of material, when the aggregate cost does not exceed two thousand dollars ($2,000).

SEC. 2. Section 25502.4 of the Government Code is amended to read:

25502.4. In counties having a population of less than 900,000 but more than 199,000, the purchasing agent shall have the duty to engage independent contractors to perform services for the county and the offices thereof, with or without the furnishing of material, where the aggregate cost does not exceed six thousand five hundred dollars ($6,500).

CHAPTER 1589

An act to add Title 7.4 (commencing with Section 66800) and Title 7.5 (commencing with Section 67000) to the Government Code, relating to the Tahoe Regional Planning Compact.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Title 7.4 (commencing with Section 66800) is added to the Government Code, to read:

TITLE 7.4. TAHOE REGIONAL PLANNING COMPACT

66800. The Legislature of California hereby ratifies and approves the "Tahoe Regional Planning Compact" as set forth below.

66801. The provisions of this interstate compact executed between the States of Nevada and California are as follows:

TAHOE REGIONAL PLANNING COMPACT

Article I. Findings and Declarations of Policy

(a) It is found and declared that the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

(b) It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

(c) It is further found and declared that there is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to adopt and enforce a regional plan of resource conservation and orderly development, to exercise effective environmental controls and to perform other essential functions, as enumerated in this title.

Article II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of the Counties of Douglas, Ormsby, and Washoe lying within the Tahoe Basin in the State of Nevada, and the adjacent

parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15, North, Range 16 East, M.D.B. & M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) "Agency" means the Tahoe Regional Planning Agency.

(c) "Governing body" means the governing board of the Tahoe Regional Planning Agency.

(d) "Regional plan" shall mean the long-term general plan for the development of the region.

(e) "Interim plan" shall mean the interim regional plan adopted pending the adoption of the regional plan.

Article III. Organization

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

One member appointed by each of the Board of County Commissioners of the Counties of Douglas, Ormsby, and Washoe in the State of Nevada and one by each of the County Boards of Supervisors of the Counties of El Dorado and Placer, and one member appointed by the City Council of the City of South Lake Tahoe. Each of the members of the governing board shall be a member of the city council, board of county commissioners, or county board of supervisors he represents, and, in the case of a supervisor or commissioner shall be a resident of a county supervisorial district lying wholly or partly within the region The State of Nevada may provide by law for the appointment of three members to serve on the governing body of the agency in lieu of members appointed by the Board of County Commissioners of the Counties of Douglas, Ormsby and Washoe.

One member appointed by the Governor of California and one member appointed by the Governor of Nevada. The appointment of the California member is subject to Senate confirmation, he shall not be a resident of the region and shall represent the public at large.

The Administrator of the California Resources Agency or his designee and the Director of the Nevada Department of Conservation and Natural Resources or his designee.

(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the

course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

(c) The term of office of the members of the governing body shall be at the pleasure of the appointing authority in each case.

(d) The governing body of the agency shall meet at least monthly.

(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be two years, and who shall be subject to reelections, provided that a new chairman or vice chairman may be elected by the agency before the expiration of the two-year term for the fulfillment of that two-year term.

(g) A majority of the members of the governing body shall constitute a quorum for the transaction of the business of the agency. A majority vote of the members of the governing body present shall be binding, except that a majority vote of the members representing each state shall be required to take action with respect to fiscal and budget matters; provided, that the vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules and regulations and procedures.

(h) A technical advisory committee shall be appointed by the agency. The committee shall include but shall not be limited to: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of the Counties of Douglas, Ormsby, and Washoe in Nevada, the Placer County Director of Sanitation, the El Dorado County Director of Sanitation, executive officer of the Lahonton Regional Water Quality Control Board or his designee, and the executive officer of the Tahoe Regional Planning Agency who shall act as chairman.

(i) The agency shall establish and maintain an office within the region. The agency may rent or own property and equipment.

(j) Upon receipt of certified copies of the resolutions or notifications appointing the members of the governing body, the Secretary of State of each respective state shall notify the Governor of the state who shall, after consultation with the Governor of the other state, issue a concurrent call for the organization meeting of the governing body at a location determined jointly by the two governors.

Article IV. Personnel

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff as may be

necessary to execute the powers and functions provided for under this act or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

Article V. Planning

(a) Within 18 months after the formation of the agency, the agency shall prepare, adopt and review and maintain a comprehensive long-term general plan for the development of the Tahoe region, referred to as the "regional plan." The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall include the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to, an indication or allocation of maximum population densities.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to, freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along trans-

portation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

(b) In formulating and maintaining the regional plan, the agency shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region. Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private individuals.

(c) All provisions of the Tahoe regional general plan shall be enforced by the agency and by the counties and cities in the region.

Tahoe Regional Interim Plan

(d) Within 90 days after the formation of the agency and after at least one public hearing, the governing body shall review the testimony and recommendations presented at such hearing and shall adopt a regional interim plan.

(1) The interim plan shall consist of statements of development policies, criteria and standards for planning and development, of plans or portions of plans, and projects and planning decisions, which the agency finds it necessary to adopt and administer on an interim basis in accordance with the substantive powers granted to it in this agreement.

(e) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan and interim plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

(f) All provisions of the interim plan shall be enforced by the agency and by the states, the counties, and cities.

Article VI. Agency's Powers

(a) The agency shall adopt all necessary ordinances, rules, regulations and policies to effectuate the adopted regional and interim plans. The regulations shall contain general, regional standards including but not limited to the following: subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts and grading; piers; harbors, breakwaters; or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobilehome parks; house relocation; outdoor advertising; flood plain protection; soil and sedimentation control; air pollution; and watershed protection.

Interim regulations shall be adopted within 90 days from the formation of the agency and final regulations within 18 months after the formation of the agency.

(b) All ordinances, rules, regulations and policies adopted by the agency shall be enforced by the agency and by the respective states, counties, and cities.

(c) All public works projects shall be reviewed prior to construction and approved by the agency as to the project's compliance with the adopted regional general plan.

(d) All public works projects for which state or federal funds are requested shall be approved by the agency as to the project's compliance with the adopted regional plan prior to submission of application to the state or federal agency.

(e) The agency shall police the region to ensure compliance with the general plan and adopted ordinances, rules, regulations and policies. If it is found that the general plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

(f) Violation of any ordinance of the agency is a misdemeanor.

(g) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by state or federal law.

(h) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

(i) Whenever a new city is formed within the region, the membership of the governing body shall be increased by two additional members, one appointed by, and who shall be a member of, the legislative body of the new city, and one appointed by the Governor of the state in which the city is not located. A member appointed by the Governor of California is subject to Senate confirmation

Article VII. Finances

(a) On or before December 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion this amount between the counties within the region on the same ratio to the total sum required as the full cash valuation of property within the region in each county bears to the total full cash valuation of property within the region. Each county shall pay the sum allotted to it by the agency from any funds available therefor and may levy a tax on any taxable property within its boundaries sufficient to pay the amount so allocated to it.

(b) The agency may fix and collect fees for any services rendered by it.

(c) The agency shall be strictly accountable to any county in the region for all funds paid by it to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursements.

(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds.

Article VIII. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency administrators.

SEC. 2. Proclamation by Governor

The Secretary of State of the State of California shall transmit a duly certified copy of Section 1 of this act to the Governor of the State of Nevada. The Governor of this state, when-

ever officially advised that the State of Nevada has ratified and approved the compact set forth in Section 1 and whenever the Congress of the United States has approved the compact, shall make proclamation of that fact. A copy of such proclamation shall be published one time in one newspaper of general circulation in the county seats of Placer, El Dorado and Nevada Counties.

SEC. 3. Title 7.5 (commencing with Section 67000) is added to the Government Code, to read:

TITLE 7.5. CALIFORNIA TAHOE REGIONAL PLANNING AGENCY

CHAPTER 1. FINDINGS AND DECLARATIONS OF POLICY

67000. It is found and declared that the waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region.

67001. It is further declared that by virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control.

67002. It is further found and declared that there is a need to maintain an equilibrium between the regions' natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to adopt and enforce a regional plan of resource conservation and orderly development, to exercise effective environmental controls and to perform other essential functions, as enumerated in this title.

CHAPTER 2. DEFINITIONS

67020. Unless the context otherwise requires, the definitions and general provisions set forth in this chapter govern the construction of this title.

67021. "Region" includes that part of Lake Tahoe within the jurisdiction of the State of California, the adjacent parts of the Counties of El Dorado and Placer lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all

sections referring to Township 15 North, Range 16 East, MDB&M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

67022. "Agency" means the California Tahoe Regional Planning Agency.

67023. "Governing body" means the governing board of the Tahoe Regional Planning Agency.

67024. "Regional plan" shall mean the long-term general plan for the development of the region.

67025. "Interim plan" shall mean the interim regional plan adopted pending the adoption of the regional plan.

CHAPTER 3. CALIFORNIA TAHOE REGIONAL PLANNING AGENCY

Article 1. Organization

67040. There is created the California Tahoe Regional Planning Agency as a separate legal entity.

67041. The governing body of the agency shall be constituted as follows:

(a) One member appointed by the Board of Supervisors of the Counties of El Dorado and Placer, and one member appointed by the City Council of the City of South Lake Tahoe. Each of the members of the governing board shall be a member of the city council, or county board of supervisors he represents, and, in the case of a supervisor shall be a resident of a county supervisorial district lying wholly or partly within the region.

(b) One member appointed by the Governor of California subject to Senate confirmation, who shall not be a resident of the basin and shall represent the public at large.

(c) The Administrator of the California Resources Agency or his designee.

67042. The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this title unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

67043. The term of office of the members of the governing body shall be at the pleasure of the appointing authority in each case.

67044. The governing body of the agency shall meet at least monthly.

67045. The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

67047. The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall

be two years, and who shall be subject to reelections, provided that a new chairman or vice chairman may be elected by the agency before the expiration of the two-year term for the fulfillment of that two-year term.

67048. A majority of the members of the governing body shall constitute a quorum for the transaction of the business of the agency. A majority vote of the members of the governing body present shall be binding; provided, that the vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules and regulations and procedures.

67049. A technical advisory committee shall be appointed by the agency. The committee shall include but shall not be limited to: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe, the Placer County Director of Sanitation, the El Dorado County Director of Sanitation, executive officer of the Lahontan Regional Water Quality Control Board or his designee, and the executive officer of the California Tahoe Regional Planning Agency who shall act as chairman.

67050. The agency shall establish and maintain an office within the region. The agency may rent or own property and equipment.

Article 2. Personnel

67060. The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff as may be necessary to execute the powers and functions provided for under this act or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

Article 3. Planning

67070. (a) Within 18 months after the formation of the agency, the agency shall prepare, adopt and review and maintain a comprehensive long-term general plan for the development of the Tahoe region, referred to as the "regional plan." The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

(b) The regional plan shall include the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to, an indication or allocation of maximum population densities.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to, freeways, parkways, highways, transportation facilities, transit routes, waterways, navigation and aviation aids and facilities, and appurtenant terminals and facilities for the movement of people and goods within the region.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

67071. In formulating and maintaining the regional plan, the agency shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region. Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private individuals

67072. All provisions of the Tahoe regional general plan shall be enforced by the agency and by the counties and cities in the region.

Article 4. Tahoe Regional Interim Plan

67073. Within 90 days after the formation of the agency and after at least one public hearing, the governing body shall review the testimony and recommendations presented at such hearing and shall adopt a regional interim plan.

67074. The interim plan shall consist of statements of development policies, criteria and standards for planning and development, of plans or portions of plans, and projects and

planning decisions, which the agency finds it necessary to adopt and administer on an interim basis in accordance with the substantive powers granted to it in this agreement.

67075. The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan and interim plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

67076. All provisions of the interim plan shall be enforced by the agency and by the counties and cities.

CHAPTER 4. AGENCY'S POWERS

67100. The agency shall adopt all necessary ordinances, rules, regulations and policies to effectuate the adopted regional and interim plans. The regulations shall contain general, regional standards including but not limited to the following: subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts and grading; piers; harbors, breakwaters; or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobilehome parks; house relocation; outdoor advertising; flood plain protection; soil and sedimentation control; air pollution; and watershed protection.

67101. Interim regulations shall be adopted within 90 days from the formation of the agency and final regulations within 18 months after the formation of the agency.

67102. All ordinances, rules, regulations and policies adopted by the agency shall be enforced by the agency, and by the counties and cities.

67103. All public works projects shall be reviewed prior to construction and approved by the agency as to the project's compliance with the adopted regional general plan.

67104. All public works projects for which state or federal funds are requested shall be approved by the agency as to the project's compliance with the adopted regional plan prior to submission of application to the state or federal agency.

67105. The agency shall police the region to ensure compliance with the general plan and adopted ordinances, rules, regulations and policies. If it is found that the general plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

67106. Violation of any ordinance of the agency is a misdemeanor.

67107. The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other in-

tergovernmental contracts or agreements authorized by state or federal law.

67108. Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

67109. Whenever a new city is formed within the region, the membership of the governing body shall be increased by one additional member appointed by, and who shall be a member of, the legislative body of the new city.

CHAPTER 5. FINANCES

67120. On or before December 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion this amount between the counties with the region on the same ratio to the total sum required as the assessors' assessed valuation of property within the region in each county bears to the total assessed valuation of property within the region. Each county shall levy a tax on any taxable property within its boundaries sufficient to pay the amount so allocated to it.

67121. The agency may fix and collect fees for any services rendered by it.

67122. The agency shall be strictly accountable to any county in the region for all funds paid by it to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursements.

67123. The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds.

67124. If any provision of this title or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the title which can be given effect without the invalid provision or application, and to this end the provisions of this title are severable.

CHAPTER 6. DISSOLUTION

67130. The state may dissolve the California Tahoe Regional Planning Agency by enacting a statute repealing this title.

SEC. 4. Section 1 of this act shall become operative only if the compact creating the Tahoe Regional Planning Agency as provided for in Section 1 of this act is adopted by the State of Nevada and approved by the Congress of the United States, at which time Section 3 of this act is repealed; provided that, if the Tahoe Regional Planning Agency, provided for by Section 1 of this act, is dissolved in accordance with the provisions of Article VIII (c), then Section 3 of this act, creating the California Tahoe Regional Planning Agency shall become operative again.

CHAPTER 1590

An act to amend Section 3074.5 of the Labor Code, relating to apprenticeship.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 3074.5 of the Labor Code is amended to read:

3074.5. The Bureau of Industrial Education of the Department of Education may advance or reimburse to a local school district its added cost of providing related instruction classes to apprentices whenever the enrollment of any such class is at least 5 but not more than 15.

CHAPTER 1591

An act to amend Section 4700 of the Penal Code, relating to trial of state prisoners.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 4700 of the Penal Code is amended to read:

4700. Whenever a trial is had of any person under any of the provisions of Section 4530 of this code, whenever a hearing is had on the return of a writ of habeas corpus prosecuted by or on behalf of any prisoner in the state prison, whenever a prisoner in the state prison is tried for any crime committed therein, or whenever a prisoner transferred to a county correctional facility pursuant to Section 2910 or to a community correctional center pursuant to Section 6253 is prosecuted for a crime committed in such institution or for escape, and whenever a trial or hearing is had on the question of the insanity of any such prisoner, the county clerk of the county where such trial or hearing is had must make out a statement of all the costs incurred by the county for the investigation, and the preparation of the trial, and actual trial of such case, or of the hearing on the return of such writ, and all guarding and keeping of such prisoner, while away from the prison, the transportation of the prisoner to and from the prison (when such transportation was performed by the county), the costs of appeal, and of the execution of the sentence of such prisoner, properly certified to by a judge of the superior court of such county, which statement must be sent to the Department of Corrections for its approval; and after such approval, said department must cause the amount of such costs to be paid out

of the money appropriated for the support of the Department of Corrections, to the county treasurer of the county where such trial or hearing was had.

CHAPTER 1592

An act to amend and renumber Sections 151, 152, and 153 of, and to add Section 151 to, the Labor Code, relating to apprenticeship training programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 151 of the Labor Code is amended and renumbered to read:

152. The Chief of the Division of Labor Statistics and Research and employees of the division authorized by him may issue subpoenas to compel the attendance of witnesses and production of books, papers and records; administer oaths; examine witnesses under oath; take the verification or proof of written instruments; and take depositions and affidavits for the purpose of carrying out the provisions of this code and performing the duties which the division is required to perform. They shall have free access to all places of labor. Any person, or agent or officer thereof, who willfully neglects or refuses to furnish statistics requested by the division, which are in his possession, or under his control, or who refuses to admit the chief or his authorized employee to a place of labor, is guilty of a misdemeanor. The Director of Industrial Relations may direct the chief and the employees of other divisions of the department to transmit to the Division of Labor Statistics and Research any statistical information in their possession, or to conduct investigations and otherwise assist the Division of Labor Statistics and Research in the gathering of whatever statistics the director deems desirable.

SEC. 2. Section 151 is added to the Labor Code, to read:

151. The division shall conduct an annual survey of the ethnic derivation of the individuals who are parties to apprentice agreements described in Section 3077 of this code. In conducting this survey, the division shall use any pertinent data which the federal government may provide to avoid duplication of effort.

The Division of Apprenticeship Standards shall cooperate in the accomplishment of the survey required by this section as the division may request. The occasion of this survey may be used to gather such additional current data as may be of benefit to apprenticeship programs.

Data gathered pursuant to this section shall not be evidence per se of an unlawful employment practice.

Nothing in this section shall be construed to authorize any state agency to require an employer to employ a specified percentage of individuals of any particular ethnic derivation irrespective of such individuals' qualifications for employment.

SEC. 3. Section 152 of the Labor Code is amended and renumbered to read:

153. Except as provided in Section 151 no use shall be made in the reports of the division of the names of persons supplying the information required under this code. Any agent or employee of the division who violates this section is guilty of a misdemeanor.

SEC. 4. Section 153 of the Labor Code is amended and renumbered to read:

154. All employees of the Division of Labor Statistics and Law Enforcement, the Industrial Accident Commission, or other agencies of the department, who at the time this section takes effect have permanent civil service status in positions in which the duties are in furtherance of the work mentioned in Section 150 shall be transferred to the Division of Labor Statistics and Research without loss of permanent civil service status, and shall continue to be subject to the provisions of the State Civil Service Act.

SEC. 5. There is hereby appropriated from the General Fund in the State Treasury to the Department of Industrial Relations the sum of thirty thousand dollars ($30,000) to carry out the purposes of this act.

SEC. 6. 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 such necessity are:

The federal Equal Employment Opportunity Commission has provided for a federal ethnic survey, but if the states acquire data which may be used by the commission before September 30, 1967, the commission need not conduct another sampling survey.

CHAPTER 1593

An act to amend Sections 1420, 1422, and 3095 of, and to add Section 3096 to, the Labor Code, relating to apprenticeship training.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1420 of the Labor Code is amended to read:

1420. It shall be an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California:

(a) For an employer, because of the race, religious creed, color, national origin, or ancestry of any person, to refuse to hire or employ him or to bar or to discharge from employment such person, or to discriminate against such person in compensation or in terms, conditions or privileges of employment.

(b) For a labor organization, because of the race, religious creed, color, national origin, or ancestry of any person, to exclude, expel or restrict from its membership such person, or to provide only second-class or segregated membership or to discriminate in any way against any of its members or against any employer or against any person employed by an employer.

(c) For any person to discriminate against any person in the selection or training of that person in any apprenticeship training program because of the race, religious creed, color, national origin, or ancestry of the person discriminated against.

(d) For any employer or employment agency to print or circulate or cause to be printed or circulated any publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, religious creed, color, national origin, or ancestry or any intent to make any such limitation, specification or discrimination.

(e) For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices forbidden under this act or because he has filed a complaint, testified or assisted in any proceeding under this part.

(f) For any person to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this part, or to attempt to do so.

SEC. 2. Section 1422 of the Labor Code is amended to read:

1422. Any person claiming to be aggrieved by an alleged unlawful employment practice may file with the commission a verified complaint in writing which shall state the name and address of the person, employer, labor organization or employment agency alleged to have committed the unlawful employment practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the commission. The Attorney General may, in like manner, make, sign and file such complaint. Any employer whose employees, or some of them, refuse or threaten to refuse to cooperate with the provisions of this part may file with the commission a verified complaint asking for assistance by conciliation or other remedial action.

No complaint may be filed after the expiration of one year from the date upon which the alleged unlawful employment

practice or refusal to cooperate occurred; except that this period may be extended for not to exceed 90 days following the expiration of that year, if a person allegedly aggrieved by an unlawful employment practice first obtained knowledge of the facts of the alleged unlawful employment practice after the expiration of one year from the date of their occurrence.

Complaints alleging a violation of subdivision (c) of Section 1420 of this code shall be filed as provided in Section 3096 of this code.

SEC. 3. Section 3095 of the Labor Code is amended to read:

3095. Every person who willfully discriminates in any recruitment or apprenticeship program on the basis of race, creed, color, or national origin is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six months, or both.

SEC. 4. Section 3096 is added to the Labor Code, to read:

3096. Complaints alleging discrimination against any person in the selection or training of that person in any apprenticeship training program because of the race, religious creed, color, national origin, or ancestry of such person shall be filed with the Division of Apprenticeship Standards. The Division of Apprenticeship Standards shall: (1) advise the complainant of his administrative remedies as adopted pursuant to Section 3071 of this code; (2) advise the complainant that upon exhaustion of such administrative remedies he may seek redress with the State Fair Employment Practice Commission pursuant to subdivision (c) of Section 1420 of this code; (3) dispose of the complaint as provided by regulations adopted pursuant to Section 3071 of this code; and (4) notify the State Fair Employment Practice Commission of the name of the complainant and the date of receipt of the complaint and further report to the State Fair Employment Practice Commission the action taken on the complaint when final disposition has been made. After the complainant has exhausted his administrative remedies under this part he may file complaint with the State Fair Employment Practice Commission as provided in Part 4.5 (commencing with Section 1410) of this code.

CHAPTER 1594

An act to amend Sections 21251.1 and 21253 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 21251.1 of the Government Code is amended to read:

21251.1. The current service pension for a state miscellaneous member, for a prison member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section, is a pension derived from the contributions of the state, or of the contracting agency, sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of his retirement, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter-year, in the following table in the column applicable to his sex, multiplied by the number of years of current service except service in a category of membership other than that of a state miscellaneous member, prison member, or local miscellaneous member, with which he is entitled to be credited at retirement:

Age of retirement	Fraction	
	Men	Women
55	.706	.730
55¼	.718	.741
55½	.731	.753
55¾	.743	.764
56	.755	.776
56¼	.768	.788
56½	.782	.800
56¾	.795	.813
57	.808	.825
57¼	.823	.839
57½	.838	.852
57¾	.852	.865
58	.867	.879
58¼	.883	.893
58½	.899	.908
58¾	.915	.923
59	.931	.937
59¼	.948	.953
59½	.966	.969
59¾	.983	.985
60	1.000	1.000
60¼	1.017	1.016
60½	1.034	1.032
60¾	1.050	1.048
61	1.067	1.064
61¼	1.084	1.081
61½	1.101	1.097
61¾	1.119	1.114
62	1.136	1.131
62¼	1.154	1.148
62½	1.173	1.166
62¾	1.191	1.183
63	1.209	1.200

Age of retirement	Fraction	
	Men	Women
63¼	1.229	1.219
63½	1.248	1.237
63¾	1.268	1.256
64	1.287	1.274
64¼	1.308	1.294
64½	1.328	1.314
64¾	1.349	1.333
65 and over	1.370	1.353

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendments to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 2. Section 21253 of the Government Code is amended to read:

21253. The prior service pension for a state miscellaneous member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section, is an annual pension derived from the contributions of the state, or of the contracting agency, equal to the sum of the following:

(a) The fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the table in Section 21251.1 of this part in the column applicable to his sex, multiplied by the number of years of prior service, except service in a category of membership other than that of a state miscellaneous, local miscellaneous or prison member, with which he is entitled to be credited at retirement:

(b) In respect to prior service consisting of service other than as a state miscellaneous, local miscellaneous or prison member, the pension computed pursuant to the provisions for computation of prior service of members of the category in which the prior service was rendered.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

CHAPTER 1595

An act to add Section 17310 to, to add an article heading immediately preceding Section 17460 of, to add Section 17461 to, and to amend and renumber Section 20106 of, the Education Code, relating to financial support of public school districts, making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 17310 is added to the Education Code, to read:

17310. To provide for the operation of newly organized school districts, moneys in the School District Organization Revolving Fund in the State Treasury shall be utilized for purposes of making loans to newly organized school districts pursuant to Article 4.5 (commencing with Section 17460) of this chapter. The School District Organization Revolving Fund shall be comprised of five hundred thousand dollars ($500,000) appropriated from the County School Service Fund Surplus Account, and an additional amount of one hundred thousand dollars ($100,000) otherwise transferable from the General Fund to the State School Fund.

Notwithstanding any provision of Section 17301 to the contrary, the amount to be transferred from the General Fund to the State School Fund in the 1967–1968 fiscal year pursuant to subdivision (b) of Section 17301 shall be reduced by one hundred thousand dollars ($100,000), and such amount shall be paid into the School District Organization Revolving Fund.

SEC. 2. An article heading is added immediately preceding Section 17460 of the Education Code, to read:

Article 4.5. Loans and Advances to Newly Formed School Districts

SEC. 3. Section 20106 of the Education Code is amended and renumbered to become a part of Article 4.5 (commencing with Section 17460) of Chapter 2 of Division 14 of the Education Code, to read:

17460. Loans may be made from moneys in the School District Organization Revolving Fund to newly organized school districts upon application of the governing board of any such district, certified by the county superintendent of schools and approved by the Superintendent of Public Instruction for use by the district during the period from the date the action to form the district was completed and the date the district becomes effective for all purposes. Money loaned to a district pursuant to this section shall be used only to meet (a) the expenses

of office rental, office supplies, postage, telephone, and telegraphing; (b) the expenses of necessary elections required by law or authorized by Section 1703 of this code; and (c) the expenses of employing, the salary of, and necessary travel expenses of officers and necessary clerical help for the governing board.

During each of the two successive fiscal years commencing with the first fiscal year of the existence of the school district for all purposes, the State Controller shall deduct from apportionments made to such school district an amount equal to one-half of the amount loaned to such school district under this section and pay the same amount into the School District Organization Revolving Fund in the State Treasury.

SEC. 4. Section 17461 is added to the Education Code, to become a part of Article 4.5 (commencing with Section 17460) of Chapter 2 of Division 14, to read:

17461. Loans may be made by the Superintendent of Public Instruction from the School District Organization Revolving Fund at any time during the first three years of the existence of any newly formed junior college district in amounts necessary to enable the district to meet the current expenses of operation. A loan may be made upon approval, by the Superintendent of Public Instruction, of an application therefor submitted by the governing board of a newly formed junior college district. A loan may be made only if the Superintendent of Public Instruction determines that the applicant newly formed junior college district is in need of funds to meet the current expenses of operation, and that the general purpose tax rate of the district for the fiscal year in which the application is submitted is at least equal to the average of such rates applicable at that time in other districts maintaining junior colleges in the same county or in adjacent counties.

For purposes of this section the Superintendent of Public Instruction may prescribe the form in which applications are to be submitted, and may require the submission of such information and data by the applicant district as he may deem necessary to make any required determinations.

During each of the five fiscal years immediately succeeding the fiscal year in which a loan is made under this section, the State Controller shall deduct from apportionments made from the State School Fund to the newly formed junior college district an amount equal to one-fifth of the amount loaned to the district, and pay the same amount into the School District Organization Revolving Fund.

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 such necessity are:

In order to enable new junior college districts to provide better educational programs in the early years of operation, which is otherwise difficult because of the lack of funds caused

by beginning new facilities with vitally needed new equipment, and in order that the urgently needed additional assistance afforded by this act will be available in the fiscal year 1967–1968, it is necessary that this act go into immediate effect.

CHAPTER 1596

An act to amend Section 12649.1 of the Water Code, relating to flood control projects on the Sacramento River.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 12649.1 of the Water Code is amended to read:

12649.1. The project for flood protection on the Sacramento River is further adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 103, 86th Congress, and as modified by the act of Congress, Public Law 86-645, 86th Congress, approved July 14, 1960, for cooperation by the Reclamation Board as provided in Section 8617.1 at an estimated cost to the state of such sums as may be appropriated for state participation by the Legislature upon recommendation and advice of the Reclamation Board. This authorization shall not be deemed to confer preference on this project over the needs of other statewide programs in appropriations of available funds.

CHAPTER 1597

An act to add Part 1.5 (commencing with Section 437) to Division 1 of the Health and Safety Code, relating to health planning.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Part 1.5 (commencing with Section 437) is added to Division 1 of the Health and Safety Code, to read:

PART 1.5. HEALTH PLANNING

437. In order to provide comprehensive state health planning in response to the enactment of Public Law 89-749, there is hereby created a Health Planning Council, to be composed of 13 members.

The Governor shall appoint eight members, five of whom shall be representatives of the consumer public. The Chairman of the Senate Committee on Rules shall appoint two members, one of whom shall be a Member of the Senate. The Speaker of the Assembly shall appoint two members, one of whom shall be a Member of the Assembly. The chairman shall be the Administrator of the Health and Welfare Agency.

The representatives of the consumer public shall be bona fide public representatives whose occupations are neither the administration of health activities nor the performance of health services, who have no fiduciary obligation to a hospital or other health agency, and who have no material financial interest in the rendering of health services.

The following persons shall serve in a nonvoting capacity as ex officio members of the board:

The Director of Social Welfare
The Director of Rehabilitation
The Director of Finance
The Director of Mental Hygiene
The Director of Health Care Services
The Director of Public Health
The Legislative Analyst

The Member, or Members, of the Senate, appointed by the Chairman of the Senate Committee on Rules, and the Member, or Members, of the Assembly, appointed by the Speaker, shall meet with and participate in the work of the council to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature appointed to the council shall serve at the pleasure of the appointing power. For purposes of this part, such Members of the Legislature shall constitute a joint legislative committee on the subject of this part and shall have the powers and duties imposed upon such committee by the Joint Rules of the Senate and Assembly.

437.1. Of the members first appointed by the Governor, two shall hold office for four years, four shall hold office for three years, and two shall hold office for two years.

Of the members first appointed by the Chairman of the Senate Committee on Rules, one shall hold office for four years and one shall hold office for two years.

Of the members first appointed by the Speaker of the Assembly, one shall hold office for four years and one shall hold office for two years.

Thereafter, each member shall hold office for four years. No appointing authority specified in Section 437 shall appoint any person to alternate membership on the Health Planning Council, unless to fill the vacant term of an appointment.

The terms of Members of the Legislature appointed to the council shall be figured as indicated above, but the members shall serve at the pleasure of the appointing power and in no event after they cease to be Members of the Legislature.

437.2. The Health Planning Council shall meet at least quarterly, and on call of the council chairman as often as necessary to fulfill its duties. All decisions of the council shall be decided by a majority of the voting members. All meetings and records of the council shall be open to the public.

437.3. The members of the Health Planning Council shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with their duties as members of the council.

437.4. The council may appoint a director who may appoint persons to such staff positions as the council may authorize. The affirmative votes of seven of the members shall be necessary to the appointment or removal of the director.

437.5. (a) The Governor shall designate a state health planning agency in order to comply with Section 314 of Public Law 89-749, after receiving the recommendation of the council. The council shall approve the comprehensive health plan to be submitted to the federal government. The budget of the agency for the expenditure of planning money and health grant funds shall be submitted to the council for its recommendation before its submission to the Governor and the Legislature.

(b) The Health Planning Council shall advise the agency in the conduct of its comprehensive health planning activities and in the setting of priorities.

(c) The Health Planning Council may require state and other public agencies to submit data on publicly administered or financed health programs pertinent to effective planning and coordination under the provisions of Public Law 89-749.

437.6 If any provision of this part is found to be in conflict with federal rules and regulations pertaining to the administration of Public Law 89-749, such provision shall be of no force or effect to the extent of such conflict.

CHAPTER 1598

An act to repeal Section 606 of, and to add Section 606 to, the Education Code, relating to county boards of education.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 606 of the Education Code is repealed.

SEC. 2. Section 606 is added to the Education Code, to read:

606. When any vacancy exists on the county board of education of any county and the term in which the vacancy occurs has 12 months or less remaining until its completion, the vacancy shall be filled by the majority of the remaining members of the board for the duration of the unexpired term.

In all other cases, the county superintendent of schools having jurisdiction shall call a special election within the county at which election the vacancy shall be filled.

The special election shall be consolidated with the next countywide election, or the next municipal election if the vacancy to be filled is that of a member representing such municipality, if (a) the vacancy occurs within six months of the next regularly scheduled countywide election or municipal election, as the case may be, (b) a quorum of the board still exists, and (c) the board requests the county superintendent of schools to consolidate the special election with the next regularly scheduled countywide election or municipal election, as the case may be.

Any person elected shall fill out the unexpired term to which he was elected.

A special election shall be held and conducted in as nearly the same manner as is practicable as are elections of members of the county board of education.

If a request is made for a consolidation of the special election with the next regularly scheduled countywide election or municipal election and a vacancy would continue for three months or more until the next regularly scheduled countywide election or municipal election, the vacancy shall temporarily be filled by the majority of the remaining members of the board. The appointee shall hold office only until the next regularly scheduled countywide election or municipal election, as the case may be.

CHAPTER 1599

An act to add Section 11261 to the Water Code, relating to the reservoir at Cedar Springs in the San Bernardino Mountains.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 11261 is added to the Water Code, to read:

11261. The reservoir constructed at Cedar Springs in the San Bernardino Mountains as part of the Feather River Project shall be known as "Silverwood Lake."

The department shall erect at the reservoir a suitable marker commemorating the contributions made to soil and water conservation by W. E. (Ted) Silverwood.

The department is authorized to receive donations and contributions from the public and to apply the proceeds thereof to the erection and maintenance of the marker.

CHAPTER 1600

An act to amend Section 1174 of, and to repeal Section 1034½ of, the Code of Civil Procedure, relating to unlawful detainer actions.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1034½ of the Code of Civil Procedure is repealed.

SEC. 2. Section 1174 of the Code of Civil Procedure is amended to read:

1174. If upon the trial, the verdict of the jury, or, if the case be tried without a jury, the findings of the court be in favor of the plaintiff and against the defendant, judgment shall be entered for the restitution of the premises; and if the proceedings be for an unlawful detainer after neglect, or failure to perform the conditions or covenants of the lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of such lease or agreement if the notice required by Section 1161 of the code states the election of the landlord to declare the forfeiture thereof, but if such notice does not so state such election, the lease or agreement shall not be forfeited.

The jury or the court, if the proceedings be tried without a jury, shall also assess the damages occasioned to the plaintiff by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved on the trial, and find the amount of any rent due, if the alleged unlawful detainer be after default in the payment of rent. Judgment against the defendant guilty of the forcible entry, or the forcible or unlawful detainer may be entered in the discretion of the court either for the amount of the damages and the rent found due, or for three times the amount so found.

When the proceeding is for an unlawful detainer after default in the payment of rent, and the lease or agreement under which the rent is payable has not by its terms expired, and the notice required by Section 1161 has not stated the election of the landlord to declare the forfeiture thereof, the court may, and, if the lease or agreement is in writing, is for a term of more than one year, and does not contain a forfeiture clause, shall order that execution upon the judgment shall not be issued until the expiration of five days after the entry of the judgment, within which time the tenant, or any subtenant, or any mortgagee of the term, or any other party interested in its continuance, may pay into the court, for the landlord, the amount found due as rent, with interest thereon, and the amount of the damages found by the jury or the court for the

unlawful detainer, and the costs of the proceedings, and thereupon the judgment shall be satisfied and the tenant be restored to his estate.

But if payment as here provided be not made within five days, the judgment may be enforced for its full amount, and for the possession of the premises. In all other cases the judgment may be enforced immediately.

Notwithstanding any other provision of the law, a plaintiff, having obtained a writ of restitution of the premises pursuant to an action for unlawful detainer, shall be entitled to have the premises restored to him by officers charged with enforcement of such writs without payment of any fees in connection therewith.

All goods, chattels or personal property of the tenant remaining on the premises, at the time of its restoration to the plaintiff, shall be stored by the county in a place of safekeeping for a period of 30 days and may be redeemed by the tenant upon payment of reasonable costs incurred by the enforcing officers and in providing such storage and the judgment rendered in favor of plaintiff, including costs. In the event the property so held is not redeemed within 30 days, such property shall be deemed abandoned and may be sold at a public sale. The plaintiff shall be notified of the time and place of the sale by the enforcing officer and shall have the right to bid for such goods at the sale thereof. All money realized from the sale of such personal property shall be used to pay the costs and expenses of the enforcing officer, and all sums in excess of such costs, if any, shall be applied in payment of plaintiff's judgment. Any remaining excess shall be held by the county for the tenant for a period of five years, and if unclaimed at the end of such period shall be deposited in the general fund of such county.

CHAPTER 1601

An act to amend Section 11008.6 of the Welfare and Institutions Code, relating to jobs and job training.

[Approved by Governor August 30, 1967 Filed with Secretary of State August 30, 1967]

The people of the State of California do enact as follows:

SECTION 1. Section 11008.6 of the Welfare and Institutions Code is amended to read:

11008.6. In addition to the requirements contained in Section 11008, when determining the income of a recipient, to the extent permitted by federal law, relocation assistance benefits received by public assistance recipients pursuant to the Housing Act of 1964, Public Law 88-560, and benefits received under the Manpower Development and Training Act of 1962, Public Law 87-415 as amended, and the Elementary and Sec-

ondary Education Act of 1965, Public Law 89-10, shall not be considered income or resources of the recipient and shall not be deducted from the amount of aid to which the recipient would otherwise be entitled. The provisions of this section shall not apply to recipients who receive benefits under the Manpower Development and Training Act of 1962, Public Law 87-415 as amended, or the Elementary and Secondary Education Act of 1965, Public Law 89-10, when the recipient, for other than medical reasons, changes his training program on his own initiative more than once during a two-year period.

CHAPTER 1602

An act to amend Section 70025 of the Government Code, and to amend Section 170.6 of the Code of Civil Procedure, relating to courts.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 70025 of the Government Code is amended to read:

70025. In a county having a population of more than 300,000 and less than 310,000 as determined by the 1960 federal census, each regular official reporter of the superior court shall receive a salary every two weeks as follows: during the first 26 weeks, four hundred thirty-two dollars and eighty cents ($432.80); during the next 52 weeks, four hundred fifty-six dollars and eighty cents ($456.80); during the next 52 weeks; four hundred eighty-two dollars and forty cents ($482.40); during the next 52 weeks, five hundred nine dollars and sixty cents ($509.60); and thereafter, five hundred thirty-eight dollars and forty cents ($538.40). Each official reporter pro tempore of the superior court shall receive compensation at the rate of forty-five dollars ($45) per day, for reporting in shorthand all proceedings in the superior court as required by law or the order of the court.

SEC. 2. Section 170.6 of the Code of Civil Procedure is amended to read:

170.6. (1) No judge or court commissioner of any superior, municipal or justice court of the State of California shall try any civil or criminal action or special proceeding of any kind or character nor hear any matter therein which involves a contested issue of law or fact when it shall be established as hereinafter provided that such judge or court commissioner is prejudiced against any party or attorney or the interest of any party or attorney appearing in such action or proceeding.

(2) Any party to or any attorney appearing in any such action or proceeding may establish such prejudice by an oral or written motion without notice supported by affidavit or declaration under penalty of perjury or an oral statement under oath that the judge or court commissioner before whom such action or proceeding is pending or to whom it is assigned is prejudiced against any such party or attorney or the interest of such party or attorney so that such party or attorney cannot or believes that he cannot have a fair and impartial trial or hearing before such judge or court commissioner. Where the judge or court commissioner assigned to or who is scheduled to try the cause or hear the matter is known at least 10 days before the date set for trial or hearing, the motion shall be made at least five days before that date. If directed to the trial of a cause where there is a master calendar, the motion shall be made to the judge supervising the master calendar not later than the time the cause is assigned for trial. In no event shall any judge or court commissioner entertain such motion if it be made after the drawing of the name of the first juror, or if there be no jury, after the making of an opening statement by counsel for plaintiff, or if there be no such statement, then after swearing in the first witness or the giving of any evidence or after trial of the cause has otherwise commenced. If the motion is directed to a hearing (other than the trial of a cause), the motion must be made not later than the commencement of the hearing. In the case of trials or hearings not herein specifically provided for, the procedure herein specified shall be followed as nearly as may be. The fact that a judge or court commissioner has presided at or acted in connection with a pretrial conference or other hearing, proceeding or motion prior to trial and not involving a determination of contested fact issues relating to the merits shall not preclude the later making of the motion provided for herein at the time and in the manner hereinbefore provided.

(3) If such motion is duly presented and such affidavit or declaration under penalty of perjury is duly filed or such oral statement under oath is duly made, thereupon and without any further act or proof, the judge supervising the master calendar, if any, shall assign some other judge or court commissioner to try the cause or hear the matter. In other cases, the trial of the cause or the hearing of the matter shall be assigned or transferred to another judge or court commissioner of the court in which the trial or matter is pending or, if there is no other judge or court commissioner of the court in which the trial or matter is pending, the Chairman of the Judicial Council shall assign some other judge or court commissioner to try such cause or hear such matter as promptly as possible. Under no circumstances shall a party or attorney be permitted to make more than one such motion in any one action or special proceeding pursuant to this section; and in actions or special proceedings where there may be more than

one plaintiff or similar party or more than one defendant or similar party appearing in the action or special proceeding, only one motion for each side may be made in any one action or special proceeding.

(4) Unless required for the convenience of the court or unless good cause is shown, a continuance of the trial or hearing shall not be granted by reason of the making of a motion under this section. If a continuance is granted, the cause or matter shall be continued from day to day or for other limited periods upon the trial or other calendar and shall be reassigned or transferred for trial or hearing as promptly as possible.

(5) Any affidavit filed pursuant to this section shall be in substantially the following form:

(Here set forth court and cause)

State of California }
County of } ss.

_____, being first duly sworn, deposes and says: That he is a party (or attorney for a party) to the within action (or special proceeding). That _____ the judge or court commissioner before whom the trial of the (or a hearing in the) aforesaid action (or special proceeding) is pending (or to whom it is assigned), is prejudiced against the party (or his attorney) or the interest of the party (or his attorney) so that affiant cannot or believes that he cannot have a fair and impartial trial or hearing before such judge or court commissioner.

_____

Subscribed and sworn to before me
this _____ day of _____, 19___.
(Clerk or notary public or other
officer administering oath)

(6) Any oral statement under oath or declaration under penalty of perjury made pursuant to this section shall include substantially the same contents as the affidavit above.

(7) Nothing in this section shall affect or limit the provisions of Section 170 and Title 4, Part 2, of this code and this section shall be construed as cumulative thereto.

(8) If any provision of this section or the application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application and to this end the provisions of this section are declared to be severable.

CHAPTER 1603

An act to amend Sections 1644, 1830, 2091, 2092, 3257, 3302, 3386, and 1706 of, to repeal Sections 1644.1, 1821, 1822, 1822.1, 1822.2, 1822.3, 1822.4, 1823, 1825, 1826, 1827, 1828, 1829, 1836, 3261, 3262, 3301, 3305, 3342, 3343, 3344, 3347, and 21813 of, and to add Sections 1703.1, 1821, 1822, 1822.1, 1822.2, 1822.3, 1824, and 1825 to, the Education Code, relating to school district organization.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1644 of the Education Code is amended to read:

1644. Except as provided in Section 1822.3, elections for the assumption by one district of all of the bonded indebtedness of another district, after the completion of an action to organize or reorganize districts, shall be ordered by the governing board of the district which would assume the indebtedness. The election shall be called, held, and conducted in the district by the county superintendent of schools as provided in Division 4 of this code.

In a combined election for the organization or reorganization of districts and assumption of indebtedness, the election shall be ordered by the county superintendent of schools and shall be called, held, and conducted by him as provided in Division 4 of this code.

SEC. 2. Section 1706 of the Education Code is amended to read:

1706. Any district which is reorganized so as to become wholly absorbed into one or more other districts shall continue as a district until the reorganization becomes effective for all purposes as provided in Section 1704. The territory may be included, however, in plans and recommendations for further reorganization. Such reorganized districts shall not call or conduct elections for the authorization to incur bonded indebtedness, or for the authorization to accept and expend apportionments pursuant to state school building aid laws, or to increase or continue the existing maximum tax rate, or enter into agreements or incur obligations that would extend beyond the date upon which the reorganization would become effective for all purposes without first having obtained the prior approval of the governing board of the district formed pursuant to such reorganization. Thereafter the wholly absorbed district shall cease to exist except insofar as specific provisions are made in this code for former districts.

SEC. 3. Section 1830 of the Education Code is amended to read:

1830. When any school district is wholly annexed to another district or is included in a new district, pursuant to proceeding taken under Division 5 of this code, all property, funds and obligations of the former district, except for bonded indebtedness, shall accrue to the annexing district or to the new district, as the case may be. Any funds derived from the sale of the school bonds issued by the former district shall be used for the acquisition, construction, or improvement of school property only in the territory which comprised the former district or to discharge bonded indebtedness of the former district, except that if the bond debt is assumed by the new district as provided in this article the funds may be used in any area of the new district for the purposes for which the bonds were originally voted.

This section does not apply to an annexed district which becomes a component district of its annexing district or the new district.

SEC. 4. Section 2091 of the Education Code is amended to read:

2091. Any district may be annexed to a contiguous district of the same kind so that the annexed district ceases to exist except for liability for outstanding bonded indebtedness, and its territory is merged with and becomes a part of the annexing district.

SEC. 5. Section 2092 of the Education Code is amended to read:

2092. An elementary or high school district may be annexed to a contiguous unified district so that the annexed district ceases to exist except for liability for outstanding bonded indebtedness, and the territory is merged with and becomes a part of the annexing district.

SEC. 6. Section 3257 of the Education Code is amended to read:

3257. The plans and recommendations formulated by the augmented county committee may include recommendations for the assumption by any new school district the formation of which is recommended by the augmented county committee of all of the bonded indebtedness of any existing school district included in whole in the new school district.

SEC. 7. Section 3302 of the Education Code is amended to read:

3302. The words to appear upon the ballots used for voting upon the adoption or rejection of the plans and recommendations of the county committee with respect to the unification of school districts shall be "Unification of school districts—Yes," and "Unification of school districts—No," or words of similar import. If the county committee made a proposal for trustee areas in accordance with Section 3254 such proposal shall be considered a part of the reorganization proposition to be voted upon and the ballot shall include wording to that effect.

The words to appear on the ballots used for voting upon maximum tax rate shall be in accordance with Section 3256

SEC. 8. Section 3386 of the Education Code is amended to read:

3386. The plans and recommendations of the county committee formulated pursuant to Section 3385 shall include the following:

(a) The description of each elementary or unified school district proposed to be established in the territory of the dissolved unified district.

(b) The inclusion of the territory of the dissolved unified district in a new high school district, unified districts or in an existing contiguous high school district or districts, or in an existing contiguous unified district or districts.

(c) Proposals for the division of property other than real property, funds, and obligations including bonded indebtedness of the unified district among the districts in which the territory is included.

Any real property used for elementary school purposes shall become the property of the elementary district in which it is located following the dissolution. Any real property used for high school or junior high school purposes shall become the property of the high school district in which it is located following the dissolution.

SEC. 9. Section 1703.1 is added to the Education Code, to read:

1703.1. Notwithstanding the provisions of Section 1703, any district which is reorganized so as to be wholly absorbed into one or more other districts shall continue to have the following powers after the date the action is complete and until the action is effective for all purposes:

(a) The appointment or election of members of the governing board.

(b) The preparation and submission of the school district budgets.

(c) The election or appointment of an executive officer and other employees required to service the immediate needs of the district.

(d) The election or appointment of employees for the ensuing school year.

(e) The calling and conducting of any elections authorized by law relative to the financing of the district, including bonded indebtedness, tax rates, and state school building aid, subject however to the provisions of Section 1706.

(f) The expenditure of funds available to the district.

(g) The participation in any proceeding authorized by law for the further reorganization of the district.

(h) The exercise by the governing board of the school district of other powers and duties vested in governing boards of school districts of the same type or class and not inconsistent with other provisions of this code.

SEC. 10. Section 1821 is added to the Education Code, to read:

1821. Notwithstanding any other provision of law to the contrary, the provisions of this article shall apply whenever school districts are created or abolished, or dissolved, or the boundaries thereof changed pursuant to any provision therefor contained in Division 5 of this code.

SEC. 11. Section 1822 is added to the Education Code, to read:

1822. Whenever, in any action to form or abolish or dissolve existing school districts, or to change the boundaries thereof, taken pursuant to any provision of Division 5 of this code, an existing school district having outstanding bonded indebtedness is included as a whole in a new or existing school district, the following provisions shall apply:

(a) Said school district to be included as a whole in a new or existing school district shall, for purposes of this section, be designated a "component" district.

(b) Except as provided in subdivisions (c) and (d) of this section, a component district shall remain liable for its outstanding bonded indebtedness, and said component district shall continue in existence for the purposes of retaining said liability until said liability is fully retired.

(c) Whenever, pursuant to any provision of Division 5 of this code, one or more component districts having outstanding bonded indebtedness are included as a whole in another existing school district, the agreement, proposal, or recommendation whereby said inclusion is to be effected may contain a provision for the assumption of the outstanding bonded indebtedness of all component districts by the district in which such component districts are included. In such a case, a proposition for the assumption of the outstanding bonded indebtedness of each such component district shall be submitted at an election to be held in all of the territory which will comprise the existing district after inclusion of component districts.

Said election shall be held simultaneously with the election whereby the inclusion is effected in all cases where such an election is required, and in all other cases, prior to the act required by the provisions of Division 5 of this code to effect such inclusion. The proposition for said assumption of outstanding bonded indebtedness shall, in all cases, be submitted as a separate proposition which shall contain the words: "For assumption of liability for outstanding bonded indebtedness of _____ District—Yes" and "For assumption of liability for outstanding bonded indebtedness of _____ District—No."

Said proposition shall carry if adopted by a percentage of votes prescribed by Section 18 of Article XI of the California Constitution for passage of a bond issue cast at said election on said proposition. Any election held pursuant to this section shall be called, held, and conducted by the county superintendent of schools in accord with applicable provisions of law relating to the calling, holding, and conducting of elections.

(d) Whenever, pursuant to any provision of Division 5 of this code, one or more component districts having outstanding bonded indebtedness are included as a whole in a new district, the proposal or recommendation for such inclusion may contain a proposition for the assumption by the new district of the outstanding bonded indebtedness of all component districts. In such a case, said proposition shall be submitted at an election to be held in the entire area comprising the proposed new district, which election shall be held simultaneously with the election required to effect the creation of the new district. Said proposition shall be submitted as a separate proposition which shall contain the words: "For assumption of liability for outstanding bonded indebtedness of _____ District(s)—Yes" and "For assumption of liability for outstanding bonded indebtedness of _____ District(s)—No." Said proposition shall carry if adopted by a percentage of votes prescribed by Section 18 of Article XI of the California Constitution for passage of a bond issue cast at said election on said proposition. Said election shall in all other respects be called, held and conducted in the same manner as the election required to be held to effect the creation of the new district.

SEC. 12. Section 1822.1 is added to the Education Code, to read:

1822.1. Upon petition of 10 percent of the qualified electors residing in any district wholly included in a new or existing district requesting the governing board of such new or existing district to do so, or upon the adoption of a resolution by the governing board of such new or existing district, the governing board of such new or existing district shall order an election to be held in such new or existing district to determine whether it shall assume the bonded indebtedness of the included district. Said election shall be held as provided in Section 1822, subdivision (c) or (d), whichever is applicable.

SEC. 13. Section 1822.2 is added to the Education Code, to read:

1822.2. Any district which includes as a whole at the time of unification or other reorganization under Division 5 of this code, any district or districts having outstanding bonded indebtedness not assumed pursuant to this article shall pay for the use of the school property of the included district or districts an annual charge to the account of such included district or districts to be administered as a trust fund by or under the direction of the county superintendent of schools. The annual charge shall be equal to the annual amount required for the interest and redemption of the outstanding bonds of such included district or districts.

The county superintendent of schools shall apply the annual charge to the interest and bond redemption of the included district or districts.

The governing board of the reorganized district shall include in its annual budget an amount equal to the annual charge.

If it fails to do so, the county superintendent of schools shall add the amount to the budget submitted by the governing board.

The county board of supervisors shall include the annual tax to be levied upon the assessed valuation of the reorganized district a tax sufficient to provide for the annual charge. The tax may be at a rate in excess of the maximum rate provided in Section 20751. While the annual charge is in effect, the board of supervisors need not levy a tax on the assessed valuation of the included district or districts for interest and bond redemption if the amount of the annual charge upon the reorganized district is sufficient for such interest and bond redemption.

The annual charge shall continue for the entire period during which any bonded indebtedness is outstanding against any included district.

SEC. 14. Section 1822.3 is added to the Education Code, to read:

1822.3. No territory which comprises the whole or a part of a district and which is made a part of another district or of a new district shall be liable for any of the then outstanding bonded indebtedness of the district of which it is made a part unless such liability is specifically authorized by a percentage of votes prescribed by Section 18 of Article XI of the California Constitution for passage of a bond issue cast at an election held for that purpose in the territory which is made a part of another district or of a new district.

SEC. 16. Section 1824 is added to the Education Code, to read:

1824. Whenever, in any action to form or abolish existing school districts, or to change the boundaries thereof, taken pursuant to any provision of Division 5 of this code, an existing school district having authorized but unsold bonds is included as a whole in a new or existing school district, or is divided between two or more districts, the board of supervisors shall, prior to the date the action is effective for all purposes, make and enter an order in the minutes of its proceedings that the unsold bonds be canceled. Said cancellation shall be effective on the date the action to form, or abolish existing school districts, or to change the boundaries thereof is effective for all purposes. Thereafter, the bonds and the vote by which they were authorized to be issued shall cease to be of any validity.

SEC. 17. Section 1644.1 of the Education Code is repealed.

SEC. 18. Section 1821 of the Education Code is repealed.

SEC. 19. Section 1822 of the Education Code is repealed.

SEC. 20. Section 1822.1 of the Education Code is repealed.

SEC. 21. Section 1822.2 of the Education Code is repealed.

SEC. 22. Section 1822.3 of the Education Code is repealed.

SEC. 23. Section 1822.4 of the Education Code is repealed.

SEC. 24. Section 1823 of the Education Code is repealed.

SEC. 25. Section 1825 of the Education Code is repealed.

SEC. 26. Section 1826 of the Education Code is repealed.
SEC. 27. Section 1827 of the Education Code is repealed.
SEC. 28. Section 1828 of the Education Code is repealed.
SEC. 29. Section 1829 of the Education Code is repealed.
SEC. 30. Section 1836 of the Education Code is repealed.
SEC. 31. Section 3261 of the Education Code is repealed.
SEC. 32. Section 3262 of the Education Code is repealed.
SEC. 33. Section 3301 of the Education Code is repealed.
SEC. 34. Section 3305 of the Education Code is repealed.
SEC. 35. Section 3342 of the Education Code is repealed.
SEC. 36. Section 3343 of the Education Code is repealed.
SEC. 37. Section 3344 of the Education Code is repealed.
SEC. 38. Section 3347 of the Education Code is repealed.
SEC. 39. Section 21813 of the Education Code is repealed.
SEC. 40. Section 1825 is added to the Education Code, to read:

1825. Whenever in the creation or dissolution of a school district, or the change of boundaries thereof, pursuant to any provision of Division 5 of this code, an existing district having outstanding bonded indebtedness is divided between two or more districts, whether or not previously existing, the territory of the district so divided as constituted prior to said division, shall remain liable for the outstanding bonded indebtedness of said district existing at the time of said division, and said territory shall, except as otherwise provided in this section, be liable for taxation for the repayment of principal and interest on said outstanding bonded indebtedness until the same is fully retired.

(a) Whenever in the creation or dissolution of a school district, or the change of boundaries thereof, pursuant to any provision of Division 5 of this code, an existing district having outstanding bonded indebtedness is divided between two or more districts, and as a result of said division, real property and improvements thereon, if any, which are the property of the divided district are transferred to one or more new or existing districts, the county superintendent of schools shall, for each acquiring district, calculate a "bond factor" to be computed as follows:

(1) The county superintendent of schools shall separately appraise the fair market value as of the date the action of division is complete, of all parcels of real property and improvements thereon, if any, which are the property of the divided district on said date, and thereafter compute the total fair market value of all real property and improvements thereon, if any, which are the property of the divided district on the date the action of division is complete, which total shall be the denominator of each "bond factor" computation;

(2) The county superintendent of schools shall then compute the total fair market value as appraised of those parcels of real property and improvements thereon, if any, to be acquired from the divided district by each acquiring district,

which total shall be the numerator of the bond factor calculated for each acquiring district.

(b) The county superintendent of schools shall multiply each bond factor computed pursuant to subdivision (a) of this section, by the total principal of bonded indebtedness, and interest thereon to maturity, of the divided district outstanding as of the date the action of division is complete, and shall certify to each acquiring district the amount resulting from the multiplication of the bond factor computed for said acquiring district as herein provided. The amount so certified to each acquiring district shall be designated "use charge."

(c) Beginning the fiscal year in which the aforementioned action or division is effective for all purposes the district acquiring the real property and improvements thereon, if any, as herein provided, shall pay annually to the county superintendent of schools for deposit in a separate fund that portion of the use charge certified as herein provided equal to the amount which would be annually required to pay principal of and interest on that portion of the bonded indebtedness of the divided district outstanding as of the date the action of division is effective for all purposes as represented by the use charge certified as herein annually the amounts deposited in said fund as herein provided for the payment of principal of and interest on the outstanding bonded indebtedness of the divided district. To the extent that said annual payments to the county superintendent of schools are sufficient to pay the principal of and interest on said outstanding bonded indebtedness as the same become due, the territory of the divided district shall not be taxed therefor.

(d) The annual payment required by the provisions of subdivision (c) hereinabove to be made by the acquiring district shall be designated the "use payment". Beginning the fiscal year in which the action of division is effective for all purposes, the county board of supervisors shall, each year, levy a tax upon the territory of the acquiring district in an amount sufficient to enable said district to make the annual use payment as hereinabove provided. Said tax shall be in addition to any other taxes authorized by law or by election.

(e) Notwithstanding any other provision of this code to the contrary, for purposes of State School Building Aid Law, that amount of outstanding bonded indebtedness of the divided district equal to the use charge hereinabove certified shall be considered a liability of the district liable for the use payment for purposes of computing bonding capacity of said district.

(f) When a use charge certified as herein provided has been paid in full, the use payments herein provided shall cease.

CHAPTER 1604

An act to amend and renumber Sections 7071.5, 7071.6, 7071.7, 7071.8, and 7071.9 of, and to add Sections 7071 5, 7071.9, and 7071 10 to, the Business and Professions Code, relating to contractors.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 7071.5 of the Business and Professions Code is amended and renumbered to read:

7071.8. If application for a license, or for restoration of a license, is made by

(1) Any person whose license has been suspended or revoked as a result of disciplinary action for violation of this chapter.

(2) Any person who was an officer, director, member, partner or qualifying individual for a licensee at any time during which cause for disciplinary action occurred resulting in suspension or revocation of said licensee's license and who had knowledge of or participated in the act or omission which was the cause for such disciplinary action for violation of this chapter.

(3) Any partnership, corporation, firm or association of which any officer, director, member, partner or qualifying person has had his license suspended or revoked as a result of disciplinary action for violation of this chapter, or

(4) Any partnership, corporation, firm or association of which any officer, director, member, partner or qualifying person was a member, officer, director, partner or qualifying person of a licensee at any time during which cause for disciplinary action occurred resulting in suspension or revocation of said license, and who had knowledge of or participated in the act or omission which was the cause for such disciplinary action for violation of this chapter the board shall require as a condition precedent to the issuance, reissuance or restoration of a license to such applicant or removal of suspension, that such applicant furnish a contractor's bond or cash deposit in a sum to be fixed by the registrar based upon the seriousness of the violation, but which sum shall not be less than three times nor more than 10 times that amount required by Section 7071.6.

Such bond shall remain on file or in lieu thereof cash deposit be posted with the registrar for a period of at least two years and for such additional time as the registrar may determine.

Each applicant or licensee shall be required to file only one contractor's bond of the type described in this section.

Nothing contained in this section shall apply to a person or firm whose license has been suspended or revoked pursuant to Section 7124 1 or for a failure to comply with Section 7083.

SEC. 2. Section 7071.6 of the Business and Professions Code is amended and renumbered to read:

7071.11. Any person claiming against any bond or cash deposit required by this article may maintain an action at law against the licensee and the surety or the cash depository. A copy of the complaint shall be served by registered or certified mail upon the registrar at the time the action is commenced and the registrar shall maintain a record, available for public inspection, of all actions so commenced. Such service shall constitute a service on the surety and the registrar shall transmit the complaint or a copy thereof to the surety within 48 hours after it shall have been received. The claim of any employee of the contractor for wages and fringe benefits shall be a preferred claim against any bond or cash deposit. If any bond or cash deposit which may be required is insufficient to pay all claims in full, the sum of the bond or cash deposit shall be distributed to all claimants in proportion to the amount of their respective claims with priority to claims for wages and fringe benefits. Any such action shall be brought within two years after the expiration of the license period or periods for which a bond or cash deposit has been provided.

If the surety desires to make payment without awaiting court action, the amount of any bond filed in compliance with this chapter shall be reduced to the extent of any payment or payments made by the surety in good faith thereafter. The partial payment of any claims shall not be considered satisfaction of such claims and the claimants may institute appropriate legal action for payment of any unpaid balance in any other manner provided by law, and the registrar may continue suspension or revocation of any license involved until such time as said claims and any other claims arising out of an action against such bond or cash deposit are satisfied in full.

The aggregate liability of the surety for all claims of said persons shall, in no event, exceed the penal sum of said bond.

Upon failure of a licensee to maintain in full force and effect any bond or cash deposit required by this article the registrar shall issue an order suspending or revoking such license, which shall not be reinstated until a new bond or cash deposit has been filed.

Any judgment or admitted claim against any bond or cash deposit required by this article shall constitute grounds for disciplinary action against such licensee. Such license may not be reissued or reinstated while any judgment or admitted claim in excess of the amount of the bond or cash deposit remains unsatisfied. The board shall require the licensee to file a new bond in an amount as required pursuant to Section 7071.8 or to increase his cash deposit to such an amount.

Legal fees may not be charged against the bond or cash deposit by the board.

SEC. 3. Section 7071.7 of the Business and Professions Code is amended and renumbered to read:

7071.12. The alternative requirement of a cash deposit as provided for in this article can be satisfied by any of the following:

(a) Certificates of deposit payable to the board issued by banks doing business in this state and insured by the Federal Deposit Insurance Corporation;

(b) Investment certificates or share accounts assigned to the board and issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation;

(c) Bearer bonds issued by the United States government or by this state; or

(d) Cash deposited with the board.

The terms and conditions surrounding each of the foregoing types of security shall be prescribed by the board.

SEC. 4. Section 7071.8 of the Business and Professions Code is amended and renumbered to read:

7071.13. Any reference by a contractor in his advertising, soliciting, or other presentments to the public to any bond required to be filed pursuant to this chapter is a ground for the suspension of the license of such contractor.

SEC. 5. Section 7071.9 of the Business and Professions Code is amended and renumbered to read:

7071.6. Except as provided in Section 7071.8, the board shall require on or after July 1, 1969, as a condition precedent to the issuance, reinstatement, reactivation, or renewal of a license that the applicant furnish a contractor's bond in the sum of one thousand dollars ($1,000), or in lieu thereof, a cash deposit in the sum of one thousand dollars ($1,000).

SEC. 6. Section 7071.5 is added to the Business and Professions Code, to read:

7071.5. The contractor's bond or cash deposit required by this article shall be a bond issued by an admitted surety in favor of the State of California, in a form acceptable to the registrar and filed with the registrar by the licensee or applicant, or in lieu thereof a cash deposit posted with the registrar. Such contractor's bond or cash deposit shall be for the benefit of (a) any person damaged as a result of a violation of this chapter by the licensee, (b) any person damaged by fraud of the licensee in the execution or performance of a contract, and (c) any employee of the licensee damaged by the licensee's failure to pay wages or fringe benefits.

SEC. 7. Section 7071.9 is added to the Business and Professions Code, to read:

7071.9. In addition to the contractor's bond or cash deposit required pursuant to Sections 7071.5 to 7071.8, inclusive, the board shall require on or after July 1, 1969, as a condition precedent to the issuance, reinstatement, reactivation, reissuance or renewal of a license that the qualifying individual as referred to in Sections 7068 and 7068.1 when he is not himself either the proprietor, a general partner, joint licensee, or the responsible managing officer, shall furnish a qualifying in-

dividual's bond as provided in Section 7071.10 in the sum of one thousand dollars ($1,000), or in lieu thereof, a cash deposit in the sum of one thousand dollars ($1,000).

SEC. 8. Section 7071.10 is added to the Business and Professions Code, to read:

7071.10. The qualifying individual's bond or cash deposit required by this article shall be a bond issued by an admitted surety in favor of the State of California, in a form acceptable to the registrar and filed with the registrar by the qualifying individual, or in lieu thereof a cash deposit posted with the registrar. Such qualifying individual's bond or cash deposit shall be for the benefit of any person damaged by the qualifying individual's failure to exercise such direct supervision and control of his employer's or principal's construction operations as is necessary, as provided in Section 7068.1 to secure full compliance with the provisions of this chapter and rules and regulations of the board. The qualifying individual's bond shall not be required in addition to the contractor's bond when the qualifying individual is himself the proprietor under subdivision (a), a general partner under subdivision (b), or the responsible managing officer under subdivision (c) of Section 7068.

SEC. 9. Section 7071.6 of the Business and Professions Code is amended to read:

7071.6. Any person claiming against any bond or cash deposit required by this article may maintain an action at law against the licensee and the surety or the cash depository, but such action must be brought within two years after the expiration of the license period or periods for which a bond or cash deposit has been provided.

The claim of any employee of the contractor for wages and fringe benefits shall be a preferred claim against any bond or cash deposit.

If any bond or cash deposit which may be required is insufficient to pay all claims in full, the sum of the bond or cash deposit shall be distributed among all claimants in proportion to the amount of their respective claims with priority given to claims for wages and fringe benefits. The partial payment of any claims shall not be considered satisfaction of said claims and the claimants may institute appropriate legal actions for payment of any unpaid balance in any other manner provided by law, and the registrar may continue suspension or revocation of any license involved until such time as said claims and any other claims arising out of an action against such bond or cash deposit are satisfied in full.

The aggregate liability of the surety for all claims of said persons shall, in no event, exceed the penal sum of said bond.

Upon failure of a licensee to maintain in full force and effect any bond or cash deposit required by this article the registrar shall issue an order suspending or revoking such license, which shall not be reinstated until a new bond or cash deposit has been filed.

Any judgment or admitted claim against any bond or cash deposit required by this article shall constitute grounds for disciplinary action against such licensee. The board shall require the licensee to file a new bond in an amount not less than three thousand dollars ($3,000) nor more than ten thousand dollars ($10,000) or to increase his cash deposit to such an amount.

SEC. 10. Sections 1 to 8 of this act shall become operative on July 1, 1969, at which time Section 9 of this act is repealed.

CHAPTER 1605

An act to add Section 681.5 to the Harbors and Navigation Code, relating to vessels.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 681.5 is added to the Harbors and Navigations Code, to read:

Section 681.5. (a) It is not required that the department issue, or that an application be made for a new certificate of ownership or a new certificate of number, or that the fee prescribed in Section 681.4 be paid on transfer of an undocumented vessel to a dealer in the course of his business as is otherwise provided in this chapter, provided that

(1) The vessel is held and operated by the dealer only for the purpose of resale in the course of his business;

(2) The dealer has been issued a sales permit by the Board of Equalization covering sale of such property; and

(3) The dealer shall, not later than the end of the next business day following such transfer, give written notice of purchase to the department upon an appropriate form provided by it.

(b) Upon receipt of the notice of purchase referred to in subdivision (a) the department shall issue a temporary certificate of number of such vessel in the name of the dealer as registered owner.

(c) The department shall notify the assessor of the county within which the dealer is located of such change of ownership.

(d) The certificate of ownership bearing the endorsement of the transferor to the dealer of a vessel registered pursuant to this section and the certificate of number thereof shall be retained by the dealer until a transfer of the vessel by him. During such time such certificates shall be subject to inspection by the department or other authorized agency. Upon transfer of the vessel by the dealer the certificate of ownership shall be endorsed by the dealer and transfer further accomplished as otherwise provided in this chapter.

CHAPTER 1606

An act to amend Sections 5557 and 25510.5 of the Education Code, relating to accreditation of secondary schools.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 5557 of the Education Code is amended to read:

5557. The governing board of a district maintaining a junior or senior high school may pay the costs of accreditation of the school by any accrediting association.

(a) The accrediting association shall have each year, as one member of each of its accrediting commissions for public schools, a representative of the State Department of Education, who shall be appointed by the Superintendent of Public Instruction.

(b) Each visiting team assigned by the accrediting association to examine a school may have as a member, except in cases of unavoidable absence due to illness or other emergency, a representative of the State Department of Education, who shall be appointed by the Superintendent of Public Instruction.

SEC. 2. Section 25510.5 of the Education Code is amended to read:

25510.5. The State Department of Education shall annually investigate each junior college to determine whether it has met the standards. As part of such investigation, representatives of the department may participate in the accreditation visits conducted by the regional accrediting agency, and one representative of the department, who may be appointed by the Superintendent of Public Instruction, may serve as a member of the accrediting commission which accredits the public junior colleges.

CHAPTER 1607

An act to amend Section 1819 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1819 of the Revenue and Taxation Code is amended to read:

1819. (a) As soon as tabulations have been made pursuant to Section 1818, the board shall give the assessor of each county a reasonable opportunity to examine that portion of the tabu-

lations affecting property in his county. The assessor may, prior to August 1st, petition the board for reconsideration of the tabulations for his county and, if he has so requested in his petition, shall be granted an oral hearing by the board itself. After making any adjustment it deems appropriate, but not later than August 23rd, the board shall make available for public inspection all such tabulations and shall publish the ratio of assessed to full cash value of locally assessable tangible property for each county and for the state. "Tabulations" do not include appraisal data relating to individual properties.

(b) On or before May 15 of the following calendar year, the board shall publish a corrected ratio of assessed value to full cash value of locally assessable, tangible property for each county and for the state.

This corrected ratio shall reflect changes in the total assessed value on the roll for the current fiscal year made by the assessor, auditor, the county board of supervisors, and the county board of equalization.

This corrected ratio shall be used to calculate a corrected factor pursuant to Education Code Section 17261, and such corrected factor shall be certified to the Superintendent of Public Instruction on or before May 20. The superintendent shall use this factor in computing or recomputing the amount of school aid to which each school district in the state is entitled.

The corrections needed in the amount of state aid to school districts as a result of the recomputations shall be made in the apportionment not later than the following fiscal year.

The corrected ratio shall not be used for the purposes of Section 1605.

In computing the ratio of assessed value to the full cash value for any county, pursuant to Section 1817 and subdivision (a) of this section, the board shall not consider in any way the reduction of assessed value as a result of equalization for the previous assessment year.

CHAPTER 1608

An act to add Article 7 (commencing with Section 19699.9) to Chapter 10 of Division 14 of the Education Code, relating to the construction of a regional occupational center, and making an appropriation therefor.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Article 7 (commencing with Section 19699.9) is added to Chapter 10 of Division 14 of the Education Code, to read:

Article 7. School Housing Aid for a Regional Occupational Center

19699.9. Not to exceed five million dollars ($5,000,000) of the amount of the proceeds of bonds issued under the State School Building Aid Bond Law of 1966 may be expended pursuant to this article. The funds shall be allocated by the State Allocation Board to a Joint Powers Board of Education for the construction of a permanent campus for a newly created regional occupation center school to be located in the south bay area of Los Angeles County, having a population in excess of 1,070,000, and a potential average daily attendance in excess of 10,000 persons. Not to exceed four hundred thousand dollars ($400,000) of such sum shall be allocated and expended for architectural and engineering services in connection with the construction.

Sections 19551 to 19555, inclusive, Sections 19559, 19562, and 19565, inclusive, of Article 1 (commencing with Section 19551) of this chapter shall be applicable to the administration of this article, unless the context of this article, as determined by the board, requires otherwise.

19699.10. The allocation of funds to the entity pursuant to this article shall be conditioned upon the prior approval of the proposed facilities and subject matter of the educational program by the Superintendent of Public Instruction.

19699.11. It is the intent of the Legislature in enacting this article to finance the capital expenditures involved in the construction, equipping, and establishment, to serve an area in great need of occupational preparation, of a regional occupational center school to be maintained by a Joint Powers Board of Education and entity. It is the further intent of the Legislature to improve the employment opportunities of persons residing in areas of need for said training, by providing educational programs of a nature that will serve the social and economic needs of that area. The program will also serve to upgrade the cultural and intellectual as well as the economic life of the area to be served.

The Legislature finds that the federal government has made available in the south bay area of Los Angeles County land to be used for a regional occupation center school, provided a permanent campus can be established on the land within 18 months. For this reason, it is essential that the money made available for purposes of this article be allocated to the establishment of a permanent campus for a regional occupational center school in the south bay area of Los Angeles County.

19699.12. (a) Any amounts allocated and disbursed to said Joint Powers Board of Education and entity pursuant to this article shall be a loan by the state to the entity and shall be fully repaid by the entity to the state within 10 years after the date of disbursement to the entity. Interest shall be paid at a rate determined by the board. Any such loan shall be repaid by

the entity from proceeds of a tax under provisions of Section 7456 of the Education Code, for sites, buildings and equipment, by a maximum tax levy of the assessed valuation of the entity not to exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation in said entity.

(b) The annual repayment shall be determined by agreement between the Director of Finance and the Superintendent of Public Instruction. The tax revenue referred to in subdivision (a) above shall be transferred by the County Auditor of Los Angeles County to the General Fund of the state in accordance with established regulations and procedures.

CHAPTER 1609

An act making an appropriation from the Fish and Game Preservation Fund, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated the sum of three hundred thousand dollars ($300,000) from the Fish and Game Preservation Fund to the Department of Fish and Game for the purpose of rebuilding the Kern River State Fish Hatchery.

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 such necessity are:

The Kern River State Fish Hatchery was destroyed in the flood of December, 1966. This fish hatchery should be rebuilt as soon as possible to insure that the fish resources of this state will not suffer needlessly as a result of such loss.

CHAPTER 1610

An act to add Chapter 5.5 (commencing with Section 12894) to Part 6, Division 6 of the Water Code, relating to water resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.5 (commencing with Section 12894) is added to Part 6, Division 6 of the Water Code, to read:

CHAPTER 5.5. LOCAL AGENCY BOND PAYMENTS

12894. The department may, when specifically authorized by law to do so, enter into a commitment, without regard to fiscal years, with any public agency, as defined in subdivision (b) of Section 12881.2, to make a loan to such public agency for the purpose of paying the difference between the amount the public agency is able to raise to make any payment of the principal and interest on general obligation bonds issued by such public agency for the construction of a project utilizing water from the State Water Resources Development System and the amount due on such principal and interest.

The balance of the appropriation made by Chapter 1435, Statutes of 1963, not required for the purposes of that chapter, as determined by the director, is hereby appropriated to the department for expenditure, without regard to fiscal years, as follows:

(a) Not to exceed ten thousand dollars ($10,000) may be expended by the department in carrying out the provisions of Section 12894.2.

(b) The remainder shall be available for the purpose of making loan commitments pursuant to this section, when specifically authorized by law.

Said balance of the appropriation made by Chapter 1435, Statutes of 1963, shall constitute the sole and exclusive source of payment of such loans, and any commitment to make such a loan shall not constitute a debt, liability, or obligation of the state, except to the extent that money may be available from said balance to make a loan. The purpose of such commitments shall be to assist public agencies in the sale of such bonds at a reasonable charge. An application for such a commitment may be approved only if it is determined that the commitment is needed for that purpose, that there is reasonable assurance that the public agency can repay any sums paid out by the department under the commitment, and that the project for which the bonds are to be issued substantially conforms to the California Water Plan and is financially feasible. Approval of such bonds by the California Districts Securities Commission for certification shall constitute a finding that the project is financially feasible.

12894.1. Notwithstanding any provision of law to the contrary, every public agency empowered by law to contract with the state for a water supply is hereby granted, in addition to and not in derogation or limitation of the powers conferred upon the public agency by any other law, the power to enter into a contract with the department for a commitment in accordance with this chapter and to comply with the provisions of any such contract and the same powers with regard to such a loan commitment as are granted to public agencies under Sections 12887.1, 12887.2, 12887.3, 12887.6, 12887.7, and 12887.8.

12894.2. The Department of Water Resources shall notify all public agencies which have contracted for water from the

State Water Resources Development System of its intention to conduct an investigation of the need for loan commitments to public agencies under Section 12894. The department shall investigate all public agencies which indicate a desire for such a loan commitment. Any agency indicating such a desire shall, upon request, furnish to the department such information as may be required by the department in the conduct of the investigation and the preparation of the report to be submitted to the Legislature pursuant to this section.

The department shall submit to the Legislature by the fifth legislative day of the 1968 Regular Session, a report which shall include, but not necessarily be limited to, the following: (1) the total amount of assistance requested by all public agencies pursuant to this chapter; (2) the loan commitments which the department proposes to make; (3) the period for which each loan commitment is proposed to be made; (4) the interest rate on any such loan; (5) the terms which will govern the repayment of loans made pursuant to this chapter; and (6) the terms and conditions upon which the department would propose to make such commitments.

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 such necessity are:

Serious water shortages exist in various areas of the state and threaten to develop in other areas. In order to alleviate such shortages, public agencies need to proceed at the earliest possible time to finance and construct the projects which will enable them to utilize water from the State Water Resources Development System and the aid to such financing and construction provided by this act needs to be given immediate effect.

CHAPTER 1611

An act to add Section 3077.5 to the Labor Code, relating to apprenticeship programs.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 3077.5 is added to the Labor Code, to read:

3077.5. No association of employers, organization of employers, or joint committee administering an apprenticeship training program under this chapter shall provide a maximum age for apprentices of less than 31 years, at time of entry into the training program.

The provisions of this section shall not apply to any apprenticeship program established pursuant to any collective bargaining contract or agreement entered into prior to the operative date of this section.

CHAPTER 1612

An act to amend Section 19335 of the Government Code, relating to teachers' educational leave.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 19335 of the Government Code is amended to read:

19335. For civil service employees employed in positions requiring teaching certification qualifications appointing powers may grant educational leave to attend study sessions at accredited schools, colleges or programs recommended by a trade advisory council for the purpose of receiving further instruction in pedagogy, vocational education, mental health or related fields. Such educational leave shall be granted with pay and credited to the employee by accumulation at the rate of 1¼ days for each month worked. Employees on educational leave shall maintain their merit salary adjustment date and shall receive credit for vacation, sick leave, educational leave or any other benefit which would normally accrue during said work period. The time when educational leave shall be taken shall be determined by the appointing power of the employee. The State Personnel Board shall provide by rule for the regulation, accumulation and transfer of educational leave and shall prescribe the methods by which employees leaving the employment of one state agency and entering the employment of another state agency may receive proper credit for their accumulated educational leave privileges.

CHAPTER 1613

An act to amend Sections 1812.85 and 1812.86 of, and to add Sections 1812.96, 1812.97, 1812.98, 1812.99, and 1812.995 to, the Civil Code, relating to health and dance studios.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 1812.85 of the Civil Code is amended to read:

1812.85. (a) Every contract for health studio services shall provide that performance of the agreed upon services will begin within six months from the date the contract is entered into.

(b) Every contract for dance studio services shall provide that performance of the agreed upon services will begin within 12 months from the date the contract is entered into and that such contract may be canceled within 10 days after such date without any penalty or forfeiture by written notice to the other party at the address specified in the contract, except that payment shall be made for any dance studio services received prior to such cancellation.

SEC. 2. Section 1812.86 of the Civil Code is amended to read:

1812.86. (a) No contract for health studio services shall require payment by the person receiving the services or the use of the facilities of a total amount in excess of five hundred dollars ($500).

(b) No contract for dance studio services shall require payment by the person receiving the services or the use of the facilities of a total amount in excess of one thousand five hundred dollars ($1,500). Where, pursuant to Section 1812.83 of this title, two or more contracts for dance studio services are considered as one contract for the purposes of this title, said contracts will not be deemed to be in excess of the maximum amount specified in this subdivision for such type of contract, unless at any one time the amount of the services and the use of the facilities to which the buyer is at that time entitled under the said contracts exceeds one thousand five hundred dollars ($1,500) in dance studio services. Interest and service charges shall not be considered in determining if any contract is or any contracts are in excess of the maximum amount specified in this subdivision for such type of contract.

SEC. 3. Section 1812.96 is added to the Civil Code, to read:

1812.96 Any person who violates any provision of this title relating to dance studio contracts shall be guilty of a misdemeanor. Any superior court of this state shall have jurisdiction in equity to restrain and enjoin the violation of any of the provisions of this title relating to dance studio contracts.

The duty to institute actions for violation of such provisions of this title, including equity proceedings to restrain and enjoin such violations, is hereby vested in the Attorney General, district attorneys and city attorneys. The Attorney General, any district attorney or city attorney may prosecute misdemeanor actions or institute equity proceedings or both.

This section shall not be deemed to prohibit the enforcement by any person of any right provided by this or any other law.

SEC. 4. Section 1812.97 is added to the Civil Code, to read:

1812.97. Every dance studio shall maintain a bond issued by a surety company admitted to do business in this state. The principal sum of the bond shall be 25 percent of the dance

studio's gross income from the studio business in this state during the studio's last fiscal year, except that the principal sum of the bond shall not be less than ten thousand dollars ($10,000) in the first or any subsequent year of operations.

SEC. 5. Section 1812.98 is added to the Civil Code, to read:

1812.98. The bond required by Section 1812.97 shall be in favor of the State of California for the benefit of any person who, after entering into a contract for dance studio services with the dance studio, is damaged by fraud or dishonesty or failure to provide the services of the studio in performance of the contract. Any person claiming against the bond may maintain an action at law against the dance studio and the surety.

The aggregate liability of the surety to all persons for all breaches of the conditions of the bonds provided herein shall in no event exceed the amount of the bond.

SEC. 6. Section 1812.99 is added to the Civil Code, to read:

1812.99. In lieu of furnishing the bond required by Section 1812.97 the dance studio may deposit with the Attorney General a cash deposit in a like amount. This cash deposit may be satisfied by any of the following:

(1) Certificates of deposit payable to the Attorney General issued by banks doing business in this state and insured by the Federal Deposit Insurance Corporation.

(2) Investment certificates or share accounts assigned to the Attorney General and issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation.

(3) Bearer bonds issued by the United States government or by this state.

(4) Cash deposited with the Attorney General.

SEC. 7. Section 1812.995 is added to the Civil Code, to read:

1812.995. Sections 1812.97 to 1812.99, inclusive, do not apply to any dance studio which does not enter into written contracts for dance studio service and which does not require prepayment for lessons.

CHAPTER 1614

An act to add Section 1254 to the Insurance Code, relating to valuation of investments.

[Approved by Governor August 30, 1967 Filed with Secretary of State August 30, 1967]

The people of the State of California do enact as follows:

SECTION 1. Section 1254 is added to the Insurance Code, to read:

1254. Any asset of an insurer which is found by the commissioner to be insolvent or threatened with insolvency shall be reduced in value, if necessary, to reflect its proper value.

Where the asset is subject to an offset or lien which the commissioner has reasonable grounds to believe is about to be exercised or enforced, the commissioner may require that the asset and the liability which gives rise to the offset or lien be reduced proportionately.

The commissioner shall grant a hearing to establish the value of an asset upon written demand of the insurer.

CHAPTER 1615

An act to amend Section 20654.3 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 20654.3 of the Government Code is amended to read:

20654.3. A member of the Judges' Retirement System, the Legislators' Retirement System, the State Teachers' Retirement System, the University of California Retirement System, or a retirement system established under the County Employees' Retirement Law of 1937, who has withdrawn accumulated contributions from this system shall have the right to redeposit such contributions, subject to the same conditions as imposed for redeposits of accumulated contributions by Section 20654, including such right as he would have had under Section 20023.1 of this code had he not withdrawn his contributions.

The payments required by this section shall be made prior to the member's retirement and when made the member shall be credited with service for the period covered by the redeposited contributions, and he shall have the same rights with respect thereto as a member who has elected pursuant to Section 20393 of this code to leave his accumulated contributions on deposit in the fund.

CHAPTER 1616

An act to amend Section 11257 of the Welfare and Institutions Code, relating to aid to families with dependent children.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 11257 of the Welfare and Institutions Code is amended to read:

11257 No aid under this chapter shall be granted or paid for any child who has personal property, the total value of which exceeds six hundred dollars ($600), nor for any child or children in one family who have, or whose parents have, or the child or children and parents have, personal property the combined value of which exceeds six hundred dollars ($600).

This section shall not be construed to limit the application of Section 11261, and the limitation on personal property holdings shall not be applicable to personal property which is essential to enable a recipient to complete an approved plan for self-support. Additional cash reserves may be retained above the six hundred dollar ($600) limit whenever such additional cash is deemed to be essential to fulfillment of the self-support plan.

CHAPTER 1617

An act to amend Section 7101 of the Health and Safety Code, relating to funeral expenses.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 7101 of the Health and Safety Code is amended to read:

7101. When any decedent leaves an estate in this state, the reasonable cost of interment and an interment plot of sufficient size to constitute a family plot and memorial including reasonable sums for either, or both, general and special endowment care of the plot proportionate to the value of the estate and in keeping with the standard of living adopted by the decedent prior to his demise, together with interest thereon from the date of interment, shall be considered as a part of the funeral expenses of the decedent and shall be paid as a preferred charge against his estate as provided in the Probate Code.

Reasonable costs of funeral services, together with interest thereon 90 days from and after the filing of the notice to creditors by the executor or administrator of the estate, shall be considered as a part of the funeral expenses of the decedent and shall be paid as a preferred charge against his estate as provided in the Probate Code.

If a claim for mortuary and funeral services, an interment plot or memorial is rejected the burden of proving that the cost of the funeral service, interment plot or memorial is disproportionate to the value of the estate and the standard of living adopted by the decedent while living shall be upon the executor or administrator rejecting the claim. This chapter does not prohibit any relative or friend of a decedent from assuming the duty or paying the expense of interment or the funeral services.

CHAPTER 1618

An act to add Section 337i to the Penal Code, relating to gaming.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 337i is added to the Penal Code, to read:

337i. Every person who knowingly transmits information as to the progress or results of a horserace, or information as to wagers, betting odds, changes in betting odds, post or off times, jockey or player changes in any contest or trial, or purported contest or trial, involving humans, beasts, or mechanical apparatus by any means whatsoever including, but not limited to telephone, telegraph, radio, and semaphore when such information is transmitted to or by a person or persons engaged in illegal gambling operations, is punishable by imprisonment in the county jail or state prison in the discretion of the court, for a period of not less than 30 days and not more than one year.

This section shall not be construed as prohibiting a newspaper from printing such results or information as news, or any television or radio station from telecasting or broadcasting such results or information as news. This section shall not be so construed as to place in jeopardy any common carrier or its agents performing operations within the scope of a public franchise, or any gambling operation authorized by law.

CHAPTER 1619

An act to add Sections 9034.1, 9037.1, and 14150.4 to the Welfare and Institutions Code, and to add Sections 5654.5 and 5657.5 to Part 2 of Division 5 of the Welfare and Institutions Code as proposed by Senate Bill No. 677 of the 1967 Regular Session, relating to community mental health services, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 9034.1 is added to the Welfare and Institutions Code to read:

9034.1. For the purposes of determining the expenditures to be reimbursed as provided in Section 9034, there shall also be deducted any sum which is received or receivable by the local agency for mental health services or its providers of men-

tal health services as payments from or on behalf of medical assistance patients for mental health services under Chapter 7 (commencing with Section 14000) and Chapter 8 (commencing with Section 14500) of Part 3, Division 9 of this code.

Each local agency shall set aside an amount equal to 25 percent of any sum required to be deducted under this section with regard to that local agency, to be accumulated until the end of the fiscal year. At the end of the fiscal year, each local agency shall expend the funds so accumulated under the Short-Doyle Act, provided state matching funds are available as provided in Section 9034. To the extent that state matching funds are not available, the accumulated funds may be expended by the local agency for any general fund purposes.

SEC. 2. Section 9037.1 is added to the Welfare and Institutions Code, to read:

9037.1. The provisions of subdivision (c) of Section 14000 shall not be construed to prevent providers of community mental health services pursuant to this division from also being providers of medical assistance mental health services for the purposes of Chapter 7 (commencing with Section 14000) and Chapter 8 (commencing with Section 14500) of Part 3, Division 9 of this code. Clinics providing community mental health services pursuant to this division shall not be required to be licensed as a condition to reimbursement for providing such medical assistance mental health services.

SEC. 3. Section 14150.4 is added to the Welfare and Institutions Code, to read:

14150.4. County costs of health care ceilings provided for in Sections 14150, 14150.1, 14155, and 14156 shall not include county expenditures for services provided under the Short-Doyle Act. Expenditure for Short-Doyle Act services by counties are not "county costs of health care" within the meaning of this chapter and Chapter 8 of this part.

SEC. 4. Section 5654.5 is added to Part 2 of Division 5 of the Welfare and Institutions Code as proposed by Senate Bill No. 677 of the 1967 Regular Session, to read:

5654.5. For the purposes of determining the expenditures to be reimbursed as provided in Section 5654, there shall also be deducted any sum which is received or receivable by the local agency for mental health services or its providers of mental health services as payments from or on behalf of medical assistance patients for mental health services under Chapter 7 (commencing with Section 14000) and Chapter 8 (commencing with Section 14500) of Part 3, Division 9 of this code.

Each local agency shall set aside an amount equal to 25 percent of any sum required to be deducted under this section with regard to that local agency, to be accumulated until the end of the fiscal year. At the end of the fiscal year, each local agency shall expend the funds so accumulated under the Short-Doyle Act, provided state matching funds are available as provided in Section 5654. To the extent that state matching

funds are not available, the accumulated funds may be expended by the local agency for any general fund purposes.

SEC. 5. Section 5657.5 is added to Part 2 of Division 5 of the Welfare and Institutions Code as proposed by Senate Bill No. 677 of the 1967 Regular Session, to read:

5657.5. The provisions of subdivision (c) of Section 14000 shall not be construed to prevent providers of community mental health services pursuant to this part from also being providers of medical assistance mental health services for the purposes of Chapter 7 (commencing with Section 14000) and Chapter 8 (commencing with Section 14500) of Part 3, Division 9 of this code. Clinics providing mental health services pursuant to this part shall not be required to be licensed as a condition to reimbursement for providing such medical assistance mental health services.

SEC. 6. Sections 1 and 2 of this act shall cease to be operative on July 1, 1968, if Senate Bill No. 677 is enacted by the Legislature at its 1967 Regular Session.

SEC. 7. Sections 4 and 5 of this act shall take effect only if Senate Bill No. 677 is enacted by the Legislature at its 1967 Regular Session, and, in such case, shall become operative on July 1, 1968.

SEC. 7.5. (a) Any additional amounts which may be transferred to the Health Care Deposit Fund upon certification by the Department of Finance pursuant to Item 284.1 of the Budget Act of 1967 as a result of the enactment of this act shall be transferred thereto from the moneys appropriated by Item 276 of the Budget Act of 1967.

(b) In addition to any amounts which may be transferred to the Health Care Deposit Fund, pursuant to Item 284.1 of the Budget Act of 1967, as a result of the enactment of this act, there shall be transferred upon order of the Director of Finance to the Health Care Deposit Fund such amounts from money appropriated by Item 276 of the Budget Act of 1967 as the Department of Finance certifies are necessary, when added to federal funds made available by the federal government, to provide for the payment out of the Health Care Deposit Fund for the California medical assistance program benefits made available by the provisions of this act.

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 such necessity are:

The provisions of the Short-Doyle Act and California medical assistance program require immediate clarification and coordination.

CHAPTER 1620

An act to amend Sections 4133, 5516, 6651, 6652, 7011.5, 7304, 7302 and 7406 of, to add Sections 4025, and 5707 to, and to repeal Section 5325 of, the Welfare and Institutions Code, to amend Sections 4133, 6324, 7276, 7277, 7513, 7553, and 7706 of, and to add Sections 4025 and 6457 to, Divisions 4, 6, and 7 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1221 of the 1967 Regular Session, relating to mentally irresponsible persons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1967. Filed with Secretary of State August 30, 1967.]

The people of the State of California do enact as follows:

SECTION 1. Section 4025 is added to the Welfare and Institutions Code, to read:

4025. Charges made by the department for the care and treatment of each patient in a facility maintained by the department shall not exceed the actual cost thereof as determined by the director in accordance with standard accounting practices. The director is not prohibited from including the amount of expenditures for capital outlay or the interest thereon, or both, in his determination of actual cost.

As used in this section, the terms "care" and "care and treatment" include care, treatment, support, maintenance, and other services rendered by the department to a patient in the state hospital or other facility maintained by or under the jurisdiction of the department.

SEC. 2. Section 4133 of the Welfare and Institutions Code is amended to read:

4133. All day hospitals and rehabilitation centers maintained by the Department of Mental Hygiene shall be subject to the provisions of this code pertaining to the admission, transfer, and discharge of patients at the state hospitals, except that all admissions to such facilities shall be subject to the approval of the chief officer thereof. Charges for care and treatment rendered to patients at such facilities shall be determined pursuant to Section 4025. The liability for such charges shall be governed by Article 5 (commencing with Section 6650) of Chapter 1 of Part 4 of Division 6 except that at the hospitals for the mentally retarded such liability shall be governed by Article 3 (commencing with Section 5250) of Chapter 8 of Part 1 of Division 6 and Chapter 3 (commencing with Section 7000) of Part 4 of Division 6.

SEC. 4. Section 5325 of the Welfare and Institutions Code is repealed.

SEC. 5. Section 5707 is added to the Welfare and Institutions Code, to read:

5707. The charges for the care and treatment rendered to persons committed as mentally abnormal sex offenders shall

be in accordance with the provisions of Section 4025 and Article 5 (commencing with Section 6650) of Chapter 1 of Part 4 of Division 6.

SEC. 6. Section 5516 of the Welfare and Institutions Code is amended to read:

5516. The provisions of Section 4025 and of Article 5 (commencing with Section 6650) of Chapter 1 of Part 4 of Division 6 relative to the property and care and support of mentally ill persons and inebriates in state hospitals, the liability for such care and support, and the powers and duties of the Department of Mental Hygiene and all officers and employees thereof in connection therewith shall apply to persons committed to state hospitals pursuant to this article the same as if such persons were expressly referred to in said Section 4025 and said Article 5.

SEC. 7. Section 6651 of the Welfare and Institutions Code is amended to read:

6651. The charge for the care and treatment of all mentally ill persons and inebriates at state hospitals for the mentally ill for whom there is liability to pay therefor shall be determined pursuant to Section 4025. The Director of Mental Hygiene may reduce, cancel or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the care and treatment of any mentally ill person or inebriate who is a patient of a state hospital for the mentally ill, on satisfactory proof that the estate or relatives, as the case may be, are unable to pay the cost of such care and treatment or that the amount is uncollectible. In any case where there has been a payment under this section, and such payment or any part thereof is refunded because of the death, leave of absence, or discharge of any patient of such hospital, such amount shall be paid by the hospital or the Department of Mental Hygiene to the person who made the payment upon demand, and in the statement to the Controller the amounts refunded shall be itemized and the aggregate deducted from the amount to be paid into the State Treasury, as provided by law. If any mentally ill person or inebriate dies at any time while his estate is liable for his care and treatment at a state hospital, the claim for the amount due may be presented to the executor or administrator of his estate, and paid as a preferred claim, with the same rank in order of preference, as claims for expenses of last illness.

SEC. 8. Section 6652 of the Welfare and Institutions Code is amended to read:

6652. The Department of Mental Hygiene shall collect all the costs and charges mentioned in Section 6650, and shall determine, pursuant to Section 6650, and collect the charges for care and treatment rendered persons in any community mental hygiene clinics maintained by the department and may take such action as is necessary to effect their collection within or without the state. The Director of Mental Hygiene may, however, at his discretion, refuse to accept payment of charges for the care and treatment in a state hospital of any mentally ill

person or inebriate who is eligible for deportation by the federal immigration authorities.

SEC. 11. Section 7011.5 of the Welfare and Institutions Code is amended to read:

7011.5. Each mentally retarded person and his estate shall pay the department for the cost of such person's care and treatment as defined in Section 4025 while in the state hospital and while on leave of absence at state expense, less the sums payable therefor by the county. The provisions of Sections 6651 and 6652 shall govern the assessment, cancellation, collection, and remission of charges for such care and treatment.

This section shall not be construed to impose any liability on the parents of mentally retarded persons.

SEC. 12. Section 7302 of the Welfare and Institutions Code is amended to read:

7302. The Langley Porter Neuropsychiatric Institute shall be conducted and maintained for the purpose of treating incipient and acute mental and nervous cases. Admissions may be either on a voluntary basis after approval by the medical superintendent, or on transfer from another institution under the jurisdiction of the department after approval by the Director of Mental Hygiene, and no person shall be committed either directly to the Langley Porter Neuropsychiatric Institute or to the Department of Mental Hygiene for placement therein. All admissions shall be for temporary observation, research, diagnosis and treatment purposes as determined by the medical superintendent; in the cases of transfer from another institution the patients so transferred may be returned upon the completion of the study, diagnosis or treatment to an institution of the type from which they came.

There shall be conducted and maintained in conjunction with the hospital unit an outpatient unit.

The charges for the care and treatment rendered to each person admitted to the hospital, including the outpatient clinic, shall be determined pursuant to Section 4025. The liability for the charges so determined shall be governed by the provisions of Article 5 (commencing with Section 6650) of Chapter 1, Part 4 of this division.

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this chapter.

SEC. 13. Section 7304 of the Welfare and Institutions Code is amended to read:

7304. The institute shall be conducted and maintained for diagnosis and treatment and for teaching and research in the field of neuropsychiatry and mental retardation to the end that critical shortages of trained personnel will be relieved and with the expectation that through research more rapid and economical treatment and preventive methods concerning mental disorders and retardation will be developed. The University of California shall utilize the facilities of the institute for teaching, research, and training in the field of neuropsy-

chiatry and mental retardation. The Department of Mental Hygiene shall utilize the facilities of the institute for the care of patients as defined in Section 4025, and for such research and training as it may undertake in the field of neuropsychiatry and mental retardation. Admissions may be either on a voluntary basis after approval by the medical superintendent, or on transfer from another institution under the jurisdiction of the department after approval by the Director of Mental Hygiene, and no person shall be committed either directly to the Langley Porter Neuropsychiatric Institute or to the Department of Mental Hygiene for placement therein. All admissions shall be for temporary observation, research, diagnosis and treatment purposes as determined by the medical superintendent; in the cases of transfer from another institution, the patients so transferred may be returned, upon the completion of the study, diagnosis, or treatment, to an institution of the type from which they came.

There shall be conducted and maintained in conjunction with the hospital unit an outpatient clinic.

The charges for the care and treatment rendered to each person admitted to the hospital, including the outpatient clinic, shall be determined pursuant to Section 4025. The liability for the charges so determined shall be governed by the provisions of Article 5 (commencing with Section 6650) of Chapter 1, Part 5 of this division.

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this chapter.

SEC. 14. Section 7406 of the Welfare and Institutions Code is amended to read:

7406. The institute shall be conducted and maintained for the purpose of treating patients with organic and functional disorders of the nervous system, and to further the respective educational, training and research programs of the university and the Department of Mental Hygiene.

All admissions to the institute shall be for observation, teaching, research, diagnosis, and treatment purposes as determined by the superintendent and medical director. No person shall be admitted to the institute or transferred to the institute from any hospital under the jurisdiction of the Department of Mental Hygiene unless the superintendent and medical director of the institute approves such admission or transfer.

There shall be conducted and maintained in conjunction with the hospital unit an outpatient clinic.

The charges for the care and treatment rendered to each person admitted to the hospital, including the outpatient clinic, shall be determined pursuant to Section 4025. The liability for the charges so determined shall be governed by the provisions of Article 5 of Chapter 1 of Part 4 of Division 6.

SEC. 15. Sections 1 to 14, inclusive, of this act shall become operative on October 1, 1967, except that, with the approval of the Director of Finance, the Director of Mental Hygiene may institute the new method of determining charges prescribed by this act at one or more of the facilities under the jurisdiction of the Department of Mental Hygiene on and after such operative date and continue to determine the charges for the remaining facilities in accordance with the law in effect prior to the effective date of this act, but such new method shall be used at all such facilities on or before January 1, 1970.

SEC. 16. Section 4025 is added to Division 4 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1221 of the 1967 Regular Session, to read:

4025. Charges made by the department for the care and treatment of each patient in a facility maintained by the department shall not exceed the actual cost thereof as determined by the director in accordance with standard accounting practices. The director is not prohibited from including the amount of expenditures for capital outlay or the interest thereon, or both, in his determination of actual cost.

As used in this section the terms "care" and "care and treatment" include care, treatment, support, maintenance, and other services rendered by the department to a patient in the state hospital or other facility maintained by or under the jurisdiction of the department.

SEC. 17. Section 4133 of the Welfare and Institutions Code as added by Assembly Bill No. 1221 of the 1967 Regular Session is amended to read:

4133. All day hospitals and rehabilitation centers maintained by the Department of Mental Hygiene shall be subject to the provisions of this code pertaining to the admission, transfer, and discharge of patients at the state hospitals, except that all admissions to such facilities shall be subject to the approval of the chief officer thereof. Charges for care and treatment rendered to patients at such facilities shall be determined pursuant to Section 4025. The liability for such charges shall be governed by the provisions of Article 4 (commencing with Section 7275) of Chapter 3 of Division 7 of this code, except that at the hospitals for the mentally retarded such liability shall be governed by Article 4 (commencing with Section 6715) of Chapter 3 of Part 2 of Division 6 of this code and Chapter 4 (commencing with Section 7500) of Division 7.

SEC. 18. Section 6324 of the Welfare and Institutions Code as added by Assembly Bill No. 1221 of the 1967 Regular Session is amended to read:

6324. The provisions of Section 4025 and Article 4 (commencing with Section 7000) of Chapter 3 of Division 7 relative to the property and care and support of persons in state hospitals, the liability for such support, and the powers and duties of the Department of Mental Hygiene and all officers and employees thereof in connection therewith shall apply to per-

sons committed to state hospitals pursuant to this article the same as if such persons were expressly referred to in Section 4025 and Article 4.

SEC. 19. Section 6457 is added to Division 6 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1221 of the 1967 Regular Session, to read:

6457. The charges for the care and treatment rendered to persons committed as mentally abnormal sex offenders shall be in accordance with the provisions of Section 4025 and Article 4 (commencing with Section 7275) of Chapter 3 of Division 7 of this code.

SEC. 20. Section 7276 of the Welfare and Institutions Code as added by Assembly Bill No. 1221 of the 1967 Regular Session is amended to read:

7276. The charge for the care and treatment of all mentally disordered persons and inebriates at state hospitals for the mentally disordered for whom there is liability to pay therefor shall be determined pursuant to Section 4025. The Director of Mental Hygiene may reduce, cancel or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the care and treatment of any patient of a state hospital for the mentally disordered, on satisfactory proof that the estate or relatives, as the case may be, are unable to pay the cost of such care and treatment or that the amount is uncollectible. In any case where there has been a payment under this section, and such payment or any part thereof is refunded because of the death, leave of absence, or discharge of any patient of such hospital, such amount shall be paid by the hospital or the Department of Mental Hygiene to the person who made the payment upon demand, and in the statement to the Controller the amounts refunded shall be itemized and the aggregate deducted from the amount to be paid into the State Treasury, as provided by law. If any person dies at any time while his estate is liable for his care and treatment at a state hospital, the claim for the amount due may be presented to the executor or administrator of his estate, and paid as a preferred claim, with the same rank in order of preference, as claims for expenses of last illness.

SEC. 21. Section 7277 of the Welfare and Institutions Code as added by Assembly Bill No. 1221 of the 1967 Regular Session is amended to read:

7277. The Department of Mental Hygiene shall collect all the costs and charges mentioned in Section 7275 and shall determine pursuant to Section 7275 and collect the charges for care and treatment rendered persons in any community mental hygiene clinics maintained by the department, and may take such action as is necessary to effect their collection within or without the state. The Director of Mental Hygiene may, however, at his discretion, refuse to accept payment of charges for the care and treatment in a state hospital of any mentally

disordered person or inebriate who is eligible for deportation by the federal immigration authorities.

SEC. 22. Section 7513 of the Welfare and Institutions Code as added by Assembly Bill No. 1221 of the 1967 Regular Session is amended to read:

7513. Each mentally retarded person and his estate shall pay the department for the cost of such person's care and treatment as defined in Section 4025 while in the state hospital and while on leave of absence at state expense, less the sums payable therefor by the county. The provisions of Sections 7276 and 7277 shall govern the assessment, cancellation, collection, and remission of charges for such care and treatment.

This section shall not be construed to impose any liability on the parents of mentally retarded persons.

SEC. 23. Section 7553 of the Welfare and Institutions Code as added by Assembly Bill No. 1221 of the 1967 Regular Session is amended to read:

7553. The Langley Porter Neuropsychiatric Institute shall be conducted and maintained for the purpose of treating incipient and acute mental and nervous cases. Admissions may be either on a voluntary basis after approval by the medical superintendent, or on transfer from another institution under the jurisdiction of the department after approval by the Director of Mental Hygiene, and no person shall be committed either directly to the Langley Porter Neuropsychiatric Institute or to the Department of Mental Hygiene for placement therein. All admissions shall be for temporary observation, research, diagnosis and treatment purposes as determined by the medical superintendent; in the cases of transfer from another institution the patients so transferred may be returned upon the completion of the study, diagnosis or treatment to an institution of the type from which they came.

There shall be conducted and maintained in conjunction with the hospital unit an outpatient clinic.

The charges for the care and treatment rendered to each person admitted to the hospital, including the outpatient clinic, shall be determined pursuant to Section 4025 The liability for the charges so determined shall be governed by the provisions of Article 4 (commencing with Section 7275) of Chapter 3 of Division 7.

There shall be conducted and maintained in conjunction with the hospital unit an outpatient clinic. The charges for service in the outpatient clinic shall be determined by the Director of Mental Hygiene in accordance with schedules for such charges as set forth in the rules and regulations of the department.

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this chapter.

SEC. 24. Section 7706 of the Welfare and Institutions Code as added by Assembly Bill No. 1221 of the 1967 Regular Session is amended to read:

7706. The institute shall be conducted and maintained for the purpose of treating patients with organic and functional disorders of the nervous system, and to further the respective educational, training and research programs of the university and the Department of Mental Hygiene.

All admissions to the institute shall be for observation, teaching, research, diagnosis, and treatment purposes as determined by the superintendent and medical director. No person shall be admitted to the institute or transferred to the institute from any hospital under the jurisdiction of the Department of Mental Hygiene unless the superintendent and medical director of the institute approves such admission or transfer.

There shall be conducted and maintained in conjunction with the hospital unit an outpatient clinic.

The charges for the care and treatment rendered to each person admitted to the hospital, including the outpatient clinic, shall be determined pursuant to Section 4025. The liability for the charges so determined shall be governed by the provisions of Article 4 of Chapter 3 of Division 7.

SEC. 25. The Department of Mental Hygiene shall undertake a study to determine and design the appropriate cost accounting system to be used within the department and at state hospitals and other mental health facilities maintained by the department, shall prepare a workable plan and schedule for instituting such cost accounting system in the department, its hospitals and other facilities, and shall adopt such system. The department may contract with public or private experts or specialists in the field of cost accounting to conduct all or part of the study and design of the appropriate system.

The cost accounting system adopted by the department pursuant to this act shall be subject to the approval of the Director of General Services. Such system shall be capable of identifying cost information required by the Federal Social Security Administration under Titles 18 and 19 of the Federal Social Security Act.

SEC. 26. For the purposes of justifying any billings for hospital and medical costs to the federal government under Titles 18 and 19 of the Federal Social Security Act on account of hospital and medical services rendered by the department under such title for the period from July 1, 1966, to January 1, 1968, the department may compute the amounts which would have been billed if the charges for such hospital and medical expenses during such period had been determined on the basis of the actual cost to the department of such services during such period as determined by the director in accordance with the cost accounting system adopted by the department pursuant to Section 16 of this act.

SEC. 27. 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 such necessity are:

The new medical assistance and insurance laws enacted by the federal government in the 1965 Amendment to the Social Security Act which affect a large number of persons in state hospitals require that furnishers of medical and hospital services have an accounting system which reflects the cost of such services for each patient. Such an accounting system must be in effect in state hospitals by December 31, 1967. Under existing law, the cost of state hospital services are computed on an average per capita basis. For this reason, as well as to enable the State of California to benefit from the advantages of a modern cost accounting system in the management and operation of its 16 state hospitals, and a patient population in excess of 40,000, and to provide a reasonable period of time to design and implement such a cost accounting system for use in all facilities of the State Department of Mental Hygiene, it is necessary that this act take effect immediately.

SEC. 28. Sections 16 to 24, inclusive, of this act shall become operative only if the Legislature enacts Assembly Bill No. 1221 at its 1967 Regular Session, and in such case at the same time Assembly Bill No. 1221 becomes operative, in which event Sections 4133, 5516, 6651, 6652, 7011.5, 7304, 7302 and 7406 as amended by Sections 1 to 14, inclusive, and Sections 4025 and 5707 as added to the Welfare and Institutions Code by Sections 1 to 14, inclusive, of this act are repealed.